

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

**PRESENT:**

Mayor: Michael W. Daniels

Council Members:

Jeffrey D. Wilson

Mark K. Atwood

Cindy Boyd

Lee G. Jensen

Excused:

Bruce Call

City Recorder:

Amanda R. Fraughton

Deputy Recorder:

Mary Burgin

Others:

Frank Mills, City Administrator

Gary Clay, Finance Director

Tina Petersen, City Attorney

Lynn Walker, Public Works Director

Deon Giles, Leisure Services Director

Ken Young, Community Development Director

Richard Bradford, Economic Director

Degen Lewis, City Engineer

Tom Paul, Police Chief

Marc Sanderson, Fire Chief

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

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

**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was lead by Council Member Jensen.

**3. OPENING REMARKS**

Opening Remarks were given by Council Member Atwood.

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

Mayor Daniels noted that the agenda was obviously full, so he would like to briskly move through the agenda so it could be completed within this evening. Director Young then recommended that Item **F**, a 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; and Item **G**, a 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 be continued to a future date, as these items had not yet even been heard by the Planning Commission.

**ACTION:** Council Member Boyd moved to approve the agenda; continuing to a future date, Items F and G. Council Member Jensen seconded and the motion passed unanimously with Council Members Jensen, Atwood, Wilson and Boyd 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 May 13, 2008
2. City Council Minutes for May 20, 2008
3. Work Session Minutes for May 27, 2008
4. City Council Minutes for June 3, 2008
5. Special City Council Minutes for June 10, 2008
6. Special City Council Minutes for June 17, 2008
7. To consider appointment of new Beautification Commission members:  
Leonard Marrow, Lori Houston, Karl Kuhni and Greg & Holly Richardson
8. To consider approval of Partial Payment Number 3 to Cody Ekker Construction, Inc. for the 500 South Water Improvements Project.
9. To consider approval of paid vouchers (June 10 & June 25, 2008)

Mayor Daniel asked if everyone had an opportunity to review the consent items. He then asked if there was information concerning the new members of the Beautification Commission. Director Giles said that Commission Chair Deana Spence would present them. She then introduced Mrs. Lori Houston, and Greg and Holly Richardson. She said Mr. Marrow and Mr. Kuhni were unable to be in attendance. The Mayor and Council thanked the new members for offering to serve the community.

**ACTION:** Council Member Jensen moved to approve the consent items. Council Member Boyd seconded and the motion passed unanimously with Council Members Jensen, Wilson, Boyd and Atwood 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. Derrick Wade from the Planning Commission came forward. He explained that he was not representing the commission, but speaking out of concern as a private citizen. He then told the Mayor and Council that he is a general contractor and general engineer for the past 12 to 15 years. He is currently in the military, and is getting ready to retire.

After 2 years on the Planning Commission, he said he has figured out that the largest issue the commission runs into is regarding the building standards in town. This would relate to Item M regarding the amending of building standards, on the current agenda, he said. He said he would like to see the current standards met before there were recommended changes in the standards, as in Item M. He felt that the City was lowering the standards, specifically with the valve boxes with manholes and their installation. He said he had observed crews installing new manholes, and instead of there being a cement ring around the holes, crews were now putting asphalt up to the cover.

On 1300 West, Mr. Wade said that large trucks have destroyed the road. He felt that if the roads were finished correctly and up to current construction standards, there wouldn't be so many problems with roads. When the secondary water was being installed on 2100 North, he said that crews were to do a compaction every 100 feet before the pipe was in place. He said that a test was not done on the compaction, and that crews just hurried and covered it up and moved on. He indicated that he believed that this was why the city has trenches that had been dug in the roads failing and becoming difficult ditches to drive over.

Next, Mr. Wade said he called public works and was told there simply were not enough city employees to check each hole that was dug.

Mayor Daniels asked if Mr. Wade has a solution to the road problems in the City.

Mr. Wade said that perhaps there could be someone with the City that specifically checks out the work done. He said that a check should not be cut to the contractor unless they pass inspection.

Mayor Daniels asked if Mr. Wade could just pick one thing to change, what would it be. Mr. Wade said perhaps the rings around the manholes. He said they used to be concrete, but now they are asphalt, and he wondered at the wisdom with the change. Mayor Daniels then asked if the Planning Commission had approved the way the streets crews were finishing around the manhole covers. Mr. Wade said yes, they did, and he was the only dissenting vote.

After a short discussion, Mayor Daniels explained that he would make sure this issue was discussed when it came up later in the meeting under Item “M.”

- Next, Ms. Lavel Hardy with the Library Board came forward and said she would like to report that the new intra-city library system was up and going. She said that Pleasant Grove residents could now go to libraries in American Fork, Lehi and Eagle Mountain with their Pleasant Grove Library card and check out books. Also, on July 28, 2008 there will again be the annual Library Social in the Downtown Park celebrating the anniversary of the new library building. There will be ice cream and cake for all, she said.
- Mr. Larry Jensen from Orem then came to the microphone. He explained that he had been before the Council earlier regarding the new pond in Manila. He said he didn't want to open a can of worms, but was concerned about the City considering having swimming and fishing in the pond.

Mr. Jensen then told the Council that his current plan was to start building on a lot across from the pond. However, he was waiting to find out what specifically was going to be decided on the use with the pond. He then indicated that when he first owned the property he understood that using the pond for fishing and swimming was not allowed by City ordinance. But he understood that these uses were now legal in the pond. He said he was hesitant to start his home until he receives a definitive answer from someone. He went on to say that he has received several different answers as to whether the pond would be used for fishing or swimming from staff. He also said that he felt if the city did allow these activities it would “increase crime” in the area.

Another reason he expressed concern about the swimming was the liability to the City if someone drowned in the pond. He said that he also wondered if there was, in fact, funding from the City for landscaping around the pond instead of the current “pile of dirt and weeds.”

Mayor Daniels told Mr. Jensen he was going to defer to Leisure Services Director Giles to address his concerns.

Director Giles said he had spoken with Mr. Jensen earlier in the day. He said he told him that there would be swimming and fishing in the pond. He also explained that the City would need to meet the Division of Wildlife Resources standards for fishing in the pond. Regarding the landscaping, Director Giles noted that the City is waiting on the portion of the funding so they can do the landscaping around the pond.

Mr. Jensen then turned to the Council and Mayor and asked why the City was even interested in having fishing and swimming. Mayor Daniels said that was a good question. He said Mr. Jensen must have missed the public meeting where there was further discussion by the Council regarding the fishing and swimming being allowed in the pond. Mr. Jensen responded that he had asked specifically if there was going to be fishing and swimming in the pond and he was told it had not yet been decided. Mayor Daniels said it had been decided.

Mayor Daniels then said that staff would go through minutes and find where the Council had discussed the pond; then Recorder Fraughton would schedule a meeting with Mr. Jensen. He asked where Mr. Jensen's property was located. Mr. Jensen said it was in the Park side development. He added that he would not have bought his property if he had known what the plans were for the pond.

Mayor Daniels reminded Mr. Jensen that the park and pond has been the subject of public discussion for many years. The City has had a contract with Mr. Robert Schow regarding the pond and park property for several years, the Mayor noted.

Mr. Jensen said he had emailed the Mayor earlier about his concerns.

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

North Fields Chair Bill Spence came forward and explained that Chair Libby Flegal was unable to attend. He said he had met in her stead with the Neighborhood Chairs earlier in the evening, and all seemed to be going well.

## **8. BUSINESS:**

### **A. TO CONSIDER THE ADOPTION OF A RESOLUTION OF THE GOVERNING BODY OF PLEASANT GROVE CITY AUTHORIZING THE MAYOR TO SIGN A DEVELOPMENT AGREEMENT WITH MIKE PIERCE FOR PROPERTY LOCATED AT APPROXIMATELY 2100 NORTH AND 600 WEST, PLEASANT GROVE, UTAH COUNTY, UTAH.**

Attorney Petersen noted that this item was an authorizing resolution with Mr. Mike Pierce regarding his lots on 600 West and 2100 North.

She said that the City would buy the ground for the 2100 North connection and the five feet of extra width along 600 West. The City will also pay for asphalt and road base for 2100 North and 600 West strip. Mr. Pierce will pay for all other street improvements, including curb, gutter and sidewalk. Attorney Petersen also said that Mr. Pierce has agreed that when the subdivision is recorded, the City will pay for the property; these are to be paid for later, not at recordation. She said he knows he cannot have occupancy until all of the improvements are done.

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

**ACTION:** Council Member Boyd moved to approve the adoption of Resolution No. 2008-015, of the Governing Body of Pleasant Grove City authorizing the Mayor to sign a Development Agreement with Mike Pierce for property located at approximately 2100 North and 600 West, Pleasant Grove, Utah County, Utah. Council Member Wilson seconded and the motion passed unanimously with Council Members Wilson, Jensen, Atwood and Boyd voting, "Aye."

### **B. TO CONSIDER THE ADOPTION OF A RESOLUTION RATIFYING AND AUTHORIZING AN INCREASE IN GARBAGE COLLECTION RATES.**

Mayor Daniels read this item. Director Clay then came forward and explained that the City is contracted with Allied Waste in that each year, if there is a rise in the Consumer Price Index, there is an increased cost to the City for their services. He said the price would rise from \$10.20 a first can to \$10.61. A second can would now cost \$7.90.

Mayor Daniels asked if there were any comments regarding this item. There were none. He then asked for a motion.

**ACTION:** Council Member Wilson moved to approve the adoption of Resolution No. 2008-016, ratifying and authorizing an increase in garbage collection rates. Council Member Boyd seconded and the motion passed unanimously with Council Members Wilson, Jensen, Atwood and Boyd voting, "Aye."

**C. TO CONSIDER THE ADOPTION OF A RESOLUTION APPROVING THE 2008 CERTIFIED TAX RATE.**

Director Clay said that this item is an annual process the City goes through. Utah County just passed the certified tax rate to him the week before, so he said it was now on the agenda for the Council's consideration. He said the county does the calculations for the Certified Tax Rate. He noted that the City's tax rate has dropped for the sixth year in a row. However, he said there are still general obligation bonds that the City makes payments to and are passed along in taxes to the residents so there are no direct savings to the taxpayer. Even though the city's tax rate goes forever, other taxes are in the making and there is no change for the taxpayer. However, the City still has a low tax rate, he said.

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

**ACTION:** Council Member Wilson moved to approve Resolution No. 2008-017, approving the 2008 Certified Tax Rate. Council Member Boyd seconded and the motion passed unanimously with Council Members Wilson, Boyd, Jensen and Atwood voting "Aye."

**D. \*TO CONSIDER THE ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF PLEASANT GROVE CITY, UTAH, FINALIZING THE TERMS AND CONDITIONS OF THE ISSUANCE AND SALE BY THE ISSUER OF ITS WATER BONDS, SERIES 2008 IN THE AGGREGATE PRINCIPAL AMOUNT OF APPROXIMATELY \$10,725,000; AWARDED AND CONFIRMING THE SALE OF SAID SERIES 2008 BONDS; AUTHORIZING THE EXECUTION BY THE ISSUER OF A SEVENTH SUPPLEMENTAL INDENTURE, AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTION CONTEMPLATED BY THIS RESOLUTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND RELATED MATTERS.**

Mayor Daniels read this item, and then introduced Mr. Jason Burningham from the City's financial advisor's firm, Lewis, Young, Robertson & Burningham. Mr. Burningham came forward and told the Mayor and Council that he has appreciated the long opportunity to work

with the City of Pleasant Grove. He said the last few weeks with the sale of the bonds, and the bond pricing this same day, he feels that it has been a successful process.

Historically, Mr. Burningham explained that bonds were issued in 2006 for the initial stage of the secondary water system. He said this was the second and final series of bonds for the secondary system.

Mr. Burningham then introduced Mr. Jim Matsumari and explained that he had been the underwriter from The George K. Baum & Company for the City on this transaction. Mr. Matsumari then thanked the Mayor and Council for being able to work with the City in the transaction. He added that due to the excellent bond rating that the City has, the bonds sold quickly and for a good price.

Mr. Burningham then went through the booklet from his firm that he had passed out to the Council. He said that this particular time has been very good in the bond market. The anticipated percentage was at 4.891%; however, the City's bonds were able to enjoy a better rate at 4.864%. This made the bonds easier to market, he noted. The City's rating went up from an "A-" to an "A+." "This is a significant upgrade to market and sell bonds," he explained. He then said it would save the City from \$135,000 to \$140,000. He congratulated the City and its staff.

Next, he asked the Council to please turn to the fold-out page that showed the municipal bonds benchmarks with several communities not only in Utah but throughout the United States.

Next, he said on page 4 of the booklet it showed the City's excellent ability to market the bonds due to the credit quality of the City. He then asked if there were any questions. There were none. Council Member Atwood commented that he appreciated all that had been involved in the transactions and the excellent job they had done for the City.

Mayor Daniels then explained that there were actually two parts to the transaction. He said it was a resolution, but also an authorizing resolution that would provide him the ability to sign the documents for the bond purchase.

Council Member Jensen asked about added costs on page 8. Mr. Burningham explained that those figures included the cost of insurance, as well as the cost of the issuance of the bonds. Additionally, the cost of legal council, advisory services and the feasibility study, amongst other expenses are included.

Council Member Jensen then asked if it is noted in the document where the actual money is held and the interest is earned. Mr. Burningham said that those facts are not actually in the resolution itself. He said, however, that there is an agreement between U.S. Bank and the trustee.

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

**ACTION:** Council Member Boyd moved to approve Resolution No. 2008-018, of the City Council of Pleasant Grove City, Utah, finalizing the terms and conditions of the issuance and sale by the Issuer of its Water Bonds, Series 2008 in the aggregate principal amount of

approximately \$10,725,000; awarding and confirming the sale of said Series 2008 Bonds; authorizing the execution by the Issuer of a Seventh Supplemental Indenture, and other documents required in connection therewith; and authorizing the taking of all other actions necessary to the consummation of the transaction contemplated by this resolution; providing a severability clause; providing an effective date; and related matters. Council Member Jensen seconded and the motion passed unanimously with voice votes from Council Members Wilson, Boyd, Jensen and Atwood voting “Aye.”

**E. PUBLIC HEARING TO CONSIDER A RESOLUTION ADOPTING THE PLEASANT GROVE DOWNTOWN 2020 ACTION PLAN, INCLUDING GOALS FOR ORGANIZATION, DESIGN, ECONOMIC DEVELOPMENT, AND PROMOTION. OLD FORT, LITTLE DENMARK AND STRING TOWN NEIGHBORHOODS**

Director Young referred the Mayor and Council to the screen and his power point presentation. He said that what he was presenting wasn't probably new to anyone present.

Historically, he explained that the Downtown Advisory Board (DAB) had been created early on by the Council to help revise and pinpoint the needs of the residents and business owners in the downtown area. He said this will be a culmination of the past work by the DAB, as well as City staff.

The overall concept, he said, is to create a village and enhance that village atmosphere by naming the downtown area as the Downtown Village. Also, the Central Business District would be changed to the Village Zone. The design standards will follow that theme, he said. He said the recommended area for the Village Zone is close to the boundaries of the Old Fort. The boundaries are expanding the size of the Downtown. He said that there are overlapping zones in that area.

The design theme is being recommended to replicate the late 1800 to early 1900 standards. There will be a continued street scape formed, while preserving the existing design in the downtown area. The long-term goal would be to improve streets in that area with planter boxes, public plazas, etc. There would be a comfortable atmosphere, with a walking and green-type feel with the spaces, paths, etc. A water feature has been suggested for the open space plaza. In all, Director Young noted that the main objective is to combine old and new design together.

He then told the Council that there would be transitional residential districts that would eventually go from single family housing to a more commercial use. New offices can be made from older homes, and can be designed to be compatible with the adjacent residential housing.

Director Young also explained that the civic buildings, including city hall, the library, etc, can also be designed to fit in with the turn-of-the-century theme.

He then explained that these are recommendations. He said the DAB has recommended a village “feel” to the design of future buildings. The recommended height, as part of the plan, is 55 ft. At this point, a short discussion took place regarding this recommended height.

Council Member Boyd then commented that she likes the fact that the buildings are recommended to not be of a “monolith” design, but instead with the back of the buildings designed to be higher than the front.

Director Young then asked if there were any questions. Mayor Daniels said he felt it would be appropriate at this point to have the DAB chair, Mrs. Riddle, to come forward and speak to the plan.

Mrs. Riddle said that the DAB committee had spent many hours in work and compromise to protect the residents and make the downtown nicer. She said that there was a mix of opinions on the committee, and no one seemed to be wearing blinders regarding the many issues. She said she felt that everyone, including herself, had learned a lot from the experience. Mrs. Riddle then noted that there seemed to now be more trust in the process. She thanked the Mayor and Council for the opportunity to have a voice in the formation of the ground floor decisions regarding the downtown area. She then reminded everyone that the Downtown 2020 Plan recommends that all retail would be on the ground floor. Director Young said she was correct.

Next, Mrs. Riddle said that the transitional single family residential or office use areas, is actually on the Plan. She said that people in the area have been concerned as they want to maintain their residential areas. She noted that it is a balancing act to protect the residential; while at the same time, not driving away potential developers. Mrs. Riddle said that the decision of the DAB was that they could live with the recommended height requirements if the set backs are built in. She said she would recommend that the height requirements be taken out of the Plan; then passed as a separate ordinance in regard to the heights.

Mrs. Riddle said that looking at the Thornberry development today shows how it can look good on paper, yet not always so good when it is actually built. However, she indicated that Thornberry was set back amongst grassy areas that helped to mitigate the height of the buildings. She said there does need to be some kind of buffer between the residential areas and the taller buildings.

Mayor Daniels then remarked that he and the Council are not architects or engineers, but simply residents that try to envision what would look best now and in the future in the City. He said he has found over the years that something might look really good on paper, but might not look that good when actually completed. Conversely, he said that sometimes it doesn't look that great on paper, and when it is built it can really, “knock your socks off!” He noted that the City will need to carefully plan for the future to preserve and expand the village feel of the downtown area.

Mrs. Riddle then said that this is why there needs to remain flexibility in the ordinance; so that future plans can be worked with over the years in keeping with the village theme downtown.

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

Mr. George Church from 678 E. 900 S. came forward. He said he had been the chair of the R/UDAT Implementation Team. Mr. Church then commended the Mayor and all that had been involved in the process of developing the Downtown 2020 Plan in implementing what he felt was right along the lines of what the R/UDAT had recommended in their report. He also added that local government and citizen involvement create a powerful team for the community.

Mrs. Evelyn Fowles from 545 N. 100 W. next addressed the Council. She indicated that she really liked the pictures that had been shown regarding the possibilities with the downtown area. She then asked if the City owns enough property to make the downtown area look the way it had been projected in the pictures.

Mayor Daniels said “no,” that the City works cooperatively with citizens and developers to incorporate pieces that the City might own into part of the development, if possible. The City, by creating the Master Plan and the Downtown 2020 Plans, require these types of improvements. He said balance has to be made between what the Council and residents want and what is actually practical.

Mrs. Fowles then asked if property owners would be forced by the City to make the things happen that had been shown. Mayor Daniels said that if they choose to develop, it can happen. She asked if the City owns the land shown for a future civic center. Mayor Daniels said that the City does own the land.

She next asked as to who would check if the overlay was taking place. Mayor Daniels said that there were actually several committees that it would go through. He said it would involve everything including the brick that was to be used. He added that the DAB would make recommendations, but the actual legislation is the responsibility of the Council.

Mr. Herb Carlson then told the Mayor and Council that he had two questions. First, he asked why it looked like parking had not been addressed with the future civic center. He then asked if there had been any studies as to how much the changes in the downtown would cost the taxpayers for the next 5, 10 or 15 years.

Mayor Daniels answered that there have been multiple discussions regarding the downtown parking. He said that there will need to be stacked parking both for civic and commercial development in the downtown area.

In regard to the financial obligation of the citizens for improvements, the Mayor explained that he and the Council were very much aware that they and the other citizens of Pleasant Grove would be under financial obligation with decisions that could be made on not only the downtown, but other projects in the City.

Mr. Duane Day at 1578 W. 110 N. then came forward to speak. He asked if the City was considering internet connections with the new commercial, as well as residential, developments that were going in. He said that American Fork and Lindon were affiliated with fiber optic internet companies, and he wondered if that would push potential residents and business owners toward those cities. He then reminded the Council that they had entertained a presentation by Utopia regarding a possible network with their company in Pleasant Grove.

Mayor Daniels then responded that the Council has taken a stance to not to become involved in competition with the private sector. He said that Comcast is pretty much currently entrenched in the area. Also, he said that he had read that Utopia is in a failing mode, with 20 million in debt. Also, he said that Provo City had sold off \$180 million to another company for their iProvo venture. The Mayor also explained that it was difficult and expensive for the City to become

involved in stretching to a private home in a remote area of the City. He said the rest of the citizens should not have to pay for one citizen wanting the service. He said the individual would need to negotiate that cost, themselves.

Mr. Day said that it is difficult for small business owners to compete with adjoining cities that have the internet services. He said there is a strong financial draw to, "go next door."

Mr. Day then said as the Neighborhood Chair for Sam White's Lane, he would like to thank Administrator Mills and Scott Wells for their hard work in resolving the water bill problem that had come up about a year before. He said that everyone involved was very happy with the resolution they had come up with. He also said he wanted the Council to be aware of their sincere appreciation.

Mr. Joe Spencer at 502 W. 700 S. (his business) addressed the Council and Mayor next. He said that in discussing height and setbacks, he believes that if you limit them, the value of the property in certain areas is minimized. He noted that generally speaking, with something like the Downtown 2020 Plan, it can make a huge difference in the downtown area. But, he said that the Council needs to be careful about the ordinance regarding height limitations in that area being wrapped up in the plan. Mayor Daniels asked if he was correct that Mr. Spencer had a concern about height and setbacks in that area. Mr. Spencer said yes, he does.

Mr. Robert Williams next commented that he and Planner Sean Allen agree that the reason that there needed to be a height limit in the ordinance was so the developers could come in on the ground floor, and know the height limits immediately. Additionally, he agreed that parking was a continuing concern in the downtown area. He said that the DAB agreed that parking concerns need to be a cooperative effort between the City and the private sector.

Mayor Daniels then indicated that the reason for forming the DAB was to help to fine-tune the Downtown 2020 Plan. He said the Plan could help development move along in the downtown in a controlled way. Mr. Williams then told the Mayor that both business people and residents of the downtown area had voted for the Downtown 2020 Plan with very few changes. He said they did still have a few concerns, though.

Mrs. Mary Ellen Jackman at 155 W. 400 N. thanked the Mayor and Council for providing the forum for those on the DAB. She said they came from all different walks of life, and there was a genuine caring about one another's feelings. She said Mr. Spencer and anyone else that wanted to come to the DAB meetings were invited to attend. She then explained that the height and setbacks were, the DAB felt, conducive to having a village-type atmosphere in the downtown. Mayor Daniels thanked her for her comments on behalf of the DAB.

Mr. Derrick Wade at 1525 W. 2010 N. told the Mayor and Council that he serves on the Planning Commission, but would like to address them as a private citizen. He said the discussion on the plan had been good; and had been helpful to him to better understand the plan.

Mrs. Riddle said that she believed that there needed to be ordinances that specified separate residential and commercial uses. Mayor Daniels said he appreciated the recommendation, but there would need to be a public hearing and vote by the Council on such an ordinance.

Attorney Petersen then spoke up. She said as Mr. Williams was speaking, she wondered if the downtown height and setback issues remained part of the 2020 Plan, it would let people know from the get go what the height and setback requirements were. She said that would make it so it wasn't an issue. Also, she explained that similar to the General Plan, the Downtown 2020 Plan could be implemented and the City staff could simply show the limits in that area. She noted that an ordinance can be changed in two weeks due to a developer's pressure; but if the height limitations were kept in the Downtown 2020 Plan, those developers would know exactly what the vision that was intended by the Council was.

Mayor Daniels then asked if it had been sorted out as to what would be the height per floor. Attorney Petersen answered that staff had come up with a maximum of 13 feet per floor.

Council Member Jensen said that Attorney Petersen's comment was very relevant to the discussion. He said that the General Plan or any other visionary plan would be able to spell out the vision of the Council.

Council Member Atwood said he was concerned that the height restrictions only being included in the 2020 Plan might not give the City enough teeth to be binding. Attorney Petersen said that was her point—that the Plan makes one more step that a developer would need to go through to change the height restrictions.

Mayor Daniels said Attorney Petersen's point was well taken. He said he could see it would be harder to change if it was in the body of the 2020 Plan. He then explained that his point was that there didn't seem to be solid numbers that had been decided upon by all of the staff and committees.

Council Member Boyd asked what numbers that the Planning Commission had recommended. Director Young said that the DAB had come up with four stories—or with a conditional use permit—60 feet or 5 stories. Staff and the Planning Commission had decided upon a 55 Ft. maximum; with the ability to go up to 68 ft. with a conditional use permit. The DAB had recommended no higher than a three-story building—with 12 ft. ceilings. Mayor Daniels said it sounded like the numbers from the different bodies were not the same. He told those present that he would like to see specific numbers agreed upon, so there were no questions to future generations. He said he wanted to make sure that the height question had been fully vetted before it was decided upon.

Council Member Boyd said that taking counsel from Attorney Petersen and what she was suggesting was also her opinion. She said the height issue had been discussed for several months by the DAB, the Planning Commission and staff, and she felt that she could make a decision at this meeting as to what the height limitations should be. She also said they needed to remain in the 2020 plan.

Council Member Atwood asked how hard it would be if someone came in to develop and wanted to develop higher than what was in the 2020 Plan. Attorney Petersen answered that if it was in the Plan, as well as an ordinance, it would force the developer to jump through two hoops instead of just one to try to get it changed.

Council Member Atwood then observed that he was concerned that perhaps by allowing the height requirement to be in the Plan that the Council might be adopting something that actually goes against the current City statutes. Attorney Petersen explained that the 2020 Plan would just be stating the vision that the Council had as to the future of the downtown area. Director Young agreed and said that the General Plan, for instance, outlined provisions that didn't always match current ordinances.

The question then arose as to the current limiting ordinance with height in the downtown area. Attorney Petersen explained that if a developer came in with their plan right now before the ordinance was amended, staff would be able to explain that their development didn't fit the plan and their conditional use permit would not be granted until the ordinance was amended.

Mrs. Riddle then said she was concerned that there might be a delay in getting the ordinance in place to match the height and setbacks recommended in the 2020 Plan. Attorney Petersen said that they will go together. Mayor Daniels said he recommended that the Council go forward with the approval of the 2020 Plan, and then follow up with a public hearing on an ordinance regarding the height and setback requirements.

Council Member Atwood asked if only the height requirement would be addressed without the setback requirements. Attorney Petersen said no, that in the downtown area, the setbacks and the height requirements are linked together.

Council Member Boyd asked if the recommended height requirements could be put up on the screen again. Director Young then said that the maximum height requirement set forth by the 2020 Plan was 55 feet—with 68 feet being approved only by a conditional use permit.

Mayor Daniels asked if there were anymore comments. There were none. He closed the public hearing and brought the discussion up to the Council. There were no more comments from the Council. He then asked for a motion.

**ACTION:** Council Member Boyd moved to approve Resolution No. 2008-018, adopting the Pleasant Grove Downtown 2020 Action Plan, including goals for organization, design, economic development, and promotion as well as a height requirement of 55 feet up to 68 feet with a conditional use permit; with the setbacks being discussed in a future ordinance. A public hearing was held. Council Member Jensen seconded and the motion passed unanimously with voice votes from Council Members Wilson, Boyd, Jensen and Atwood voting "Aye."

At this point, Mayor Daniels commended the DAB, City staff the Council and all that have been involved in creating the Downtown 2020 plan. He asked that if anyone had any further comments or questions to feel free to email him or the Council.

**F. 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** (\*\*Anticipated to be continued to July 15, 2008 City Council Meeting)

This item will be heard at a future date.

**G. 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**

(\*\*Anticipated to be continued to July 15, 2008 City Council Meeting)

This item will be heard at a future date.

(Please Note: Council Members Jensen and Boyd left the Council room at 9:36 p.m.)

**H. PUBLIC HEARING TO CONSIDER MEL WOODEN'S REQUEST, FOR COMMERCIAL SITE PLAN APPROVAL TO BE CALLED "SHADOWOOD GROVE;" FOR THE PURPOSE OF CONSTRUCTING NEW OFFICE AND RETAIL SPACE ON PROPERTY COMPRISING 4.66-ACRES, ON THE SOUTHWEST CORNER OF 1300 WEST & P.G. BLVD, IN THE GROVE INTERCHANGE SUB-DISTRICT ZONE. SAM WHITE'S LANE NEIGHBORHOOD**

Mayor Daniels read this item, then explained that due to Council Members Jensen and Boyd having left the Council chambers, there was not a full quorum, and until they returned, this item could not be acted upon.

Planner Allen then explained that this item was a public hearing to consider a commercial site plan approval for Shadowood Grove office/commercial buildings. He said the applicant is Mr. Mel Wooden.

(Please Note: Council Member Boyd returned at 9:37 p.m.)

The property is located on the southwest corner of 1300 West and Pleasant Grove Boulevard and is in the Grove Interchange sub-district. It is comprised of 4.69 acres.

The applicant seeks to provide the City with a commercial development on prime vacant property, in the Grove Interchange sub district zone. The applicant has complied with all application and submittal requirements, and the project proposal is now ready for the Council to review.

(Council Member Jensen returned at 9:38 p.m.)

Mayor Daniels said that since Council Member Jensen had returned, the Council again had a quorum.

Planner Allen explained that the main access to the site will be from a full access drive off 1300 West and a right-in/right-out drive off P.G. Boulevard. The inner drives of the site provide for proper fire and emergency vehicle access around the buildings. There are also two drives that stub to the south to provide future cross-access between adjacent sites.

The site plan has been well conceived with a layout that permits great visibility of both buildings from the boulevard. The site has met all the Grove Zoning District requirements. He then gave the following are brief summaries of site items that have been addressed by staff:

- (Parking) – Office and Retail are the uses to be considered for calculating parking for the site. Usable office space amounts to 73,731 square feet. Ordinance requires one stall per three hundred (1/300) square feet, requiring 246 stalls for office. The retail space provided amounts to 4,612 square feet, and with a ratio of one stall per two hundred (1/200) square feet, the required amount for retail is 24 stalls. Total parking required for the site is 270, and the applicant has provided 271 stalls. Bicycle racks have also been appropriately provided for each building.
- (Lighting) – The Site Plan is illustrating the appropriate on-site lighting. The lighting shall be shielded to prevent glare to neighboring properties. References to on-site lighting, including City Street lighting can be found on the Site Plan.
- (Dumpster Enclosure) – The Site Plan has provided the required dumpster enclosures, and is in an accessible location on the Site. The exterior screening of the enclosures is to match the building. A detail sheet has been provided with this report.
- (Open Space) – The amount of useable Open Space required for a commercial project, in the Grove Zoning District is a minimum 10% of the project area. This would amount to 20,430 square feet. The applicant has provided 36,383 square feet, bringing to total provided Open Space to approximately 18% of the site. The Open Space amenities are certainly a showcase of the site and much has been invested into meeting this requirement. The following is a list of the provided site amenities: (1.) Iron pergola; (2.) Hexagonal gazebo with bench seating; (3.) Plaza area for building 1, with a picnic table, benches, and a second iron pergola; (4.) Raised brick planters; (5.) Site perimeter bench seating; (6.) Meandering of the main walk along P.G. Blvd; with ample trees to create a trail effect as suggested in the Grove zoning ordinance.

He said that the applicant has provided a landscaping plan specific to the project area, stamped and signed by a Licensed Landscape Architect. He added that the plan was well conceived, and provides ample trees and planting that exceed the requirements for the zone. The following highlights the Plan: (1.) Trees – Ordinance requires one tree per one thousand square feet of landscaped area (1/1000) with 30% of this total number having to be minimum 7' tall evergreens. The plan has provided 34,523 square feet of landscaped area; therefore thirty-five (35) total trees are required with eleven (11) of these required as evergreens. The site has provided 71-trees, which includes 30-evergreens, more than doubling the requirement.

Other key things to note are that landscaped areas have been bermed, where possible, and a shade tree has been provided at the end of each parking row. Every six stalls are in double parking rows, which meet all landscaping requirements for the parking design.

The design theme for this part of the Grove is the Garden District theme. The applicant has embraced this design theme to the fullest, with the site and architectural design of the buildings meeting the intent of this district theme. On June 11, 2008 the Design Review Board (DRB) reviewed all items concerning this development, and has given a recommendation to approve this proposal. Additionally, the City Engineer has recommended approval of the site.

The proposal complies with the goals and objectives found within The Grove land use designation. The site was enjoyable to work on, mainly due to the great effort the applicant has made to, not only comply, but to exceed the regulations, and provide a beautiful commercial development in a highly visible part of the City. Staff recommends approval, and would like to note that the applicant is preparing quickly to pull a building permit within the month.

Mayor Daniels opened the meeting to a public hearing. Mrs. Deanne Taylor came forward and asked if the plan for that area had changed whereby parking on P.G. Boulevard was to have walkways, etc, in front so that it wasn't right up against the boulevard. Planner Allen said that there will be a berm or screening of some kind (with the width requirement) so the parking will not be evident from the boulevard.

Mayor Daniels asked if there were anymore public comments. There were none. He then closed the public hearing and brought the discussion up to the Council. Council Members Atwood and Wilson commended Planner Allen and staff for working with the developer to come up with such a beautiful design.

The Mayor then asked for a motion.

**ACTION:** Council Member Jensen moved to approve Mel Wooden's request, for Commercial Site Plan approval to be called "Shadowood Grove;" for the purpose of constructing new office and retail space on property comprising 4.66-acres, on the southwest corner of 1300 West & P.G. Blvd, in the Grove Interchange Sub-district Zone, including the following condition: (1.) That all Final Planning, Engineering requirements comments are met and corrected plan submitted prior to the issuance of a building permit. Also, based on the following findings: (1.) The proposed Site Plan follows the goals and objectives for the Grove area; (2.) City Engineering has given a recommendation to grant final approval for the proposed site; (3.) The DRB has recommended approval; (4.) The project complies with the Garden District design theme; and (5.) The development shall have a positive fiscal impact on the City's future tax base. A public hearing was held. Council Member Wilson seconded and the motion passed unanimously with Council Members Wilson, Boyd, Jensen and Atwood voting "Aye."

**I. TO CONSIDER DMB MANAGEMENT'S REQUEST FOR FINAL PLAT APPROVAL FOR THE CENTRAL BANK SUBDIVISION, LOCATED AT APPROXIMATELY 801 SOUTH PLEASANT GROVE BLVD, IN THE GROVE (THE GROVE INTERCHANGE SUBDISTRICT) ZONE. SAM WHITE'S LANE NEIGHBORHOOD**

Planner Allen explained that in a recent transaction whereby this property had been sold to Central Bank, it needed to be recognized as a subdivision on the property. He also said that the vicinity plan needed to be addressed.

He next explained that the subdivision had a private road that would come off of Pleasant Grove Boulevard. DMB Management Company will have this road constructed. Also, this road will eventually connect with 1300 West.

The applicant for the Grove Subdivision project (plat 1) is DMB Management. The zoning is the Grove Interchange project located between 700 South and North County Blvd; and 1300 West to Pleasant Grove Blvd. The acreage is approximately 20.56 acres. The applicant is requesting the Council to grant final approval for a four lot, one parcel subdivision for commercial/retail and office development.

This subdivision proposal is a direct result of the commercial/office development that is happening to the area, and primarily due to the development of the new Central Bank facility. The applicant has already sold Lot #1 to Central Bank.

The subdivision design allows opportunities for the applicant to sell particular lots, or a larger tract of land (parcel) for larger scale development, while giving proper consideration to street right-of-way dedications to the City.

The proposal illustrates a new 82' right of way (Mountain View Lane) for potential through access to 1300 West and back to North County Blvd; however for now this roadway will only connect with the private lane until Parcel A is further subdivided. As mentioned, there is also to be a new private drive (Pleasant View Drive) constructed, which is to take traffic from P.G. Blvd to the new 82' right of way. 700 South borders on the north and the City is obtaining additional dedication there to complete that right-of-way.

The City Engineer has reviewed the plans, and has given a recommendation to move forward with final approval. The proposal complies with the General Plan. This subdivision is a welcome proposal, because it creates a lot for the current Central Bank development, as well as additional lots and parcels that will set the stage for other for future commercial developments.

City Staff has obtained a letter of agreement, from the applicant, agreeing to provide future roadway dedications along 1300 West, with future subdividing or development of the property.

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

**ACTION:** Council Member Wilson moved to approve DMB Management's request for final plat approval for the Central Bank Subdivision, located at approximately 801 South Pleasant Grove Blvd, in the Grove (The Grove Interchange Subdistrict) Zone. with the following condition: (1.) That all Final Planning, Engineering, Public Works, and Fire Department requirements are met, prior to recording the plat. Also, with the following findings: (1.) The proposed subdivision meets all the zoning requirements; (2.) The subdivision design provides the City with important street dedications; (3.) The subdivision provides Central Bank with a legal lot, recognized by the City. Council Member Boyd seconded and the motion passed unanimously with Council Members Wilson, Boyd, Jensen and Atwood voting "Aye."

**J. PUBLIC HEARING TO CONSIDER THE REQUEST OF JOHN Q. HAMMONS HOTELS, FOR COMMERCIAL SITE PLAN APPROVAL FOR THE, "EMBASSY SUITES HOTEL AND CONVENTION CENTER;" COMPRISING OF 16.11-ACRES,**

**LOCATED AT APPROX. 1055 SOUTH EMBASSY GROVE PARKWAY, IN THE GROVE INTERCHANGE SUB-DISTRICT ZONE. SAM WHITE'S LANE NEIGHBORHOOD**

Planner Allen announced that this item for Mr. John Q. Hammons' Embassy Suites Hotel and Convention Center had been long-awaited by the Community Development Department. He said that staff can now move forward with the project.

He then noted that there will be 300 rooms in the 261,000 sq. ft. hotel. The convention center will have 85,500 sq. ft. The hotel will stand 9 stories high, with the convention center being one story.

This item is a public hearing to consider the commercial site plan approval for the Embassy Suites Hotel and Convention Center. The applicant is John Q. Hammons Hotels. The location is approximately 1055 S. Embassy Grove Parkway. It is zoned in the Grove Interchange Subdistrict and has 16.11 acres. This request is for the Council to grant commercial site plan approval for the project.

The Embassy Suites Hotel/Convention Center proposal has been developing for over a year. The initial design failed due to seismic issues, but designs for the Hotel were altered to create a more stable structure for the ground upon which it is to be built. The applicant has tested the ground with two foundation pilings and the test was a success based on the new design. The applicant has also submitted the appropriate application and fees for review.

The main access to the site will be from a full access drive off Embassy Grove Parkway, through the roundabout. There will also be a right-in/right-out access off the Parkway just as one turns off of P.G. Boulevard. This right-in/right-out access will be primarily for delivery trucks. The trucks may go out the same way; but would have to go through the roundabout to get to Proctor Lane and eventually find their way back to the freeway, so they may use the temporary secondary access provided at the far west end of the site, which loops back up to the Parkway south of the roundabout.

The Site Plan permits great visibility of both buildings from P.G. Boulevard and I-15. The Site has met all the Grove Zoning District requirements. He noted that the following are brief summaries of site items that have been addressed by Staff:

- (Parking) – Beginning with the Hotel, the parking is based on the number of rooms provided. There are to be three hundred (300) rooms; therefore there are to be 300-stalls. The only category in the ordinance appropriate for the Convention Center is “Dance Halls,” which required one stall for every two hundred (1/200) square feet. The Convention Center comprises 85,345 square feet. If storage & mechanical areas are excluded, which is done with other calculations, then the Convention Center is only 82,887 square feet, which requires 414-stalls. The following are other minor uses with the required parking: (1.) Spa– 28 stalls; (2.) Restaurant/Bar & Lounge – 12 stalls; (3.) Comp Bar & Buffet area– 11 stalls; (4.) Office – 4 stalls. With all uses calculated, the total required parking comes to 769; and the Site has provided 780. The Site also complies with the required amount of ADA parking.

- (Lighting) – The Site Plan is illustrating the appropriate on-site lighting. The lighting shall be shielded to prevent glare to neighboring properties. References to on-site lighting, including City Street lighting can be found on the Site Plan.
- (Dumpster Enclosure) – The Hotel has reserved a large area adjacent to the truck dock for a trash compactor, as noted on the Site Plan, so there will not be a dumpster enclosure.
- (Open Space) – The amount of useable Open Space required for a commercial project, in the Grove Zoning District is a minimum 10% of the project area. This would amount to 70,184 square feet. The applicant has provided 73,095 square feet, according to Staff calculations. There are areas shown on the Site Plan as “Open Space,” but are not associated with an amenity, so Staff left those areas out, but even so, the Site still meets the required amount; coming in right at 10%. The following is a list of the provided site amenities: (1.) Plaza area near the pool deck with tables & benches; (2.) Plaza area outside the restaurant with tables & benches (east side of Hotel); (3.) Employee break area with tables (north side of Hotel); (4.) Site perimeter bench seating; (5.) Meandering of the main walk along Embassy Grove Parkway that crosses through the landscaped buffer and over the creek used for drainage.

The applicant has provided a landscaping plan specific to the project area. The plan is stamped and signed by a licensed landscape architect. The plan provides ample trees and planting that exceed the requirements for total trees in the zone; however there are still trees missing in certain required areas of the site, such as at each end of a parking row. Staff will follow through to ensure this is not out of compliance. The following highlight the Plan:

- (Trees) – Ordinance requires one tree per one thousand square feet of landscaped area (1/1000) with 30% of this total number having to be minimum 7’ tall evergreens. The plan has provided 204,090 square feet of landscaped area; therefore two hundred and four (204) total trees are required with sixty-two (62) of these required as evergreens. The site has provided 221-trees, with 36-evergreens, so the site is 26 evergreens short, but Staff does not have a concern with the applicant meeting this requirement prior to issuing a building permit.

All other landscaping requirements have been met.

The Hotel is to be nine stories tall and the Convention Center one story. Both are interconnected as one overall structure. The design theme for this part of the Grove is the Grove Junction theme. The theme requires split-faced block, and stone, with dominant uses of glass and an E.I.F.S. called “Terra-Neo.” The applicant has proposed a regular E.I.F.S. system of two different colors, primarily on the Hotel tower, and along the top of the Convention Center. Staff has spoken with the Hammons Hotel Architect and project team, and they indicated to Staff that they have actually been looking for an alternative to the regular E.I.F.S. system and would gladly bid out the Terra-Neo to see if that will fall within their budget. They wanted the City Council to know that they do recognize the Terra-Neo as a requirement, but they will not know until the bid comes in near the end of July. All other exterior materials are of high quality and design. The applicant would like an approval subject to the future bid as follows:

- If the bid for the Terra-Neo E.I.F.S. comes in at an affordable rate, then they would use that system; or
- If the bid for the Terra-Neo E.I.F.S. comes in high, the applicant would like the Council to give a partial or full waiver to the requirement.

Staff checked with “Dryvit” out of Sandy, who is the leading company with E.I.F.S. systems, and they said they would charge about \$10 per square foot, depending upon how detailed the façade gets. The Hammons team said they were budgeting about \$13 per square foot for the current E.I.F.S. system they are proposing.

On June 11, 2008, the Design Review Board (DRB) reviewed all items concerning this development, and gave a recommendation to approve the proposal with the conditions that all corrections are completed as requested by Staff, and that they recommend following the design theme in using the Terra-Neo E.I.F.S. system.

The City Engineer has recommended approval of the Site, subject to meeting all final Engineering. The proposal complies with the goals and objectives found within *The Grove* land use designation. This type of project and use of the land has been the vision of the City since the zoning for the area was created. Staff has no concerns with the project, only that the proper corrections to comply with the ordinance be made and completed prior to the issuance of a building permit.

Mayor Daniels then commented that this project will have a total value of \$75 to 100 million. The Mayor then opened the discussion to a public hearing.

Mrs. Riddle congratulated the Mayor and Council on the project, as did others in the meeting.

Mayor Daniels then closed the public hearing and asked the Council if they had any questions. Council Member Jensen asked if the Center or Hotel would have a bar. Attorney Petersen said legislation would be coming before the Council in future months concerning permits, etc, for a bar.

The Mayor then asked for a motion.

**ACTION:** Council Member Wilson moved to approve John Q. Hammons Hotels, for Commercial Site Plan approval for the, “Embassy Suites Hotel and Convention Center;” comprising of 16.11-acres, located at approx. 1055 South Embassy Grove Parkway, in the Grove Interchange Sub-district Zone, including the following conditions: (1.) All final corrections to the Site Plan are to be completed, prior to the issuance of a building permit; (2.) All landscaping comments are met, including the addition of 26-evergreen trees to the site as required per ordinance, prior to the issuance of a building permit; (3.) That the Terra-Neo E.I.F.S. system replace the regular E.I.F.S. system, currently proposed, upon the applicant receiving a bid on the Terra-Neo that is comparable or that is within the site budget; (4.) If the City Council would like to grant a waiver to the design theme requirement, regarding the Terra-Neo, then the Council needs to include that as part of the motion to approve, with the stipulation that if the bid comes in too high, as reported by the applicant, then at that time the waiver may take effect; (5.) That all Final Planning, Engineering requirements comments are met, and corrected plans submitted prior to the issuance of a building permit. Also, based on the following findings: (1.) The proposed Site Plan follows the goals and objectives for the Grove area; (2.) City Engineering has given a

recommendation to grant approval for the proposed site; (3.) The DRB has recommended approval; (4.) The development shall have a positive fiscal impact on the City's future tax base. A public hearing was held. Council Member Jensen seconded and the motion passed unanimously with Council Members Wilson, Boyd, Jensen and Atwood voting "Aye."

**K. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING SECTION 10-15-41B & D, "CURB, GUTTER AND SIDEWALK IMPROVEMENTS," OF THE PLEASANT GROVE CITY MUNICIPAL CODE, REGARDING AMENDING THE REQUIRED INSTALLATION OF THE CURB, GUTTER AND SIDEWALK IMPROVEMENTS. THE PURPOSE IS TO REQUIRE INSTALLATION OF CURB, GUTTER, AND SIDEWALK IMPROVEMENTS FOR A REMODEL VALUED AT THIRTY THOUSAND DOLLARS (\$30,000) OR MORE, AND TO ALLOW INSTALLATION TO BE DELAYED IN RESIDENTIAL ZONES THROUGH THE ISSUANCE OF A CONDITIONAL USE PERMIT. CITY WIDE IMPACT**

Director Young explained to the Mayor and Council that the applicant, Pleasant Grove City, was requesting a text amendment to section 10-15-41: A, B and D; relating to the required installation of curb, gutter and sidewalk improvements. This would apply to all residential zones.

As part of the Community Development department's effort to update the code, the City is bringing forward a request to amend section 10-15-41: A, B, & D relating to the required installation of curb, gutter, and sidewalk improvements.

On May 8, 2008 the Planning Commission recommended that this item be continued to May 22, 2008. At that meeting they asked city staff to make some changes concerning the requirement of accessory buildings to install curb, gutter, and sidewalk. That change was made and the Planning Commission forwarded a recommendation to approve the item on May 22, 2008.

The proposed ordinance amendment would apply to all residential zones. The proposed changes are consistent with the goals, policies, and objectives of the General Plan and will not negatively impact the health, safety, and welfare of the residents of Pleasant Grove. The Public Works department, Engineering department, Building department, and Community Development department have reviewed the amendment and are comfortable with the changes. On May 22, 2008 the Planning Commission recommended approval of the ordinance amendment to section 10-15-41: Curb, Gutter, and Sidewalk Improvements.

The proposed changes and justifications for those changes are listed below:

**10-15-41: CURB, GUTTER AND SIDEWALK IMPROVEMENTS:**

A. The city will require curb, gutter and sidewalk for all new residential and commercial construction. **This includes the extension of existing asphalt to the new curb line.**

\* This change is just clarifying that when curb, gutter, and sidewalk improvements are installed the extension of existing asphalt to the new curb line is required.

- B. The city will require any building addition ~~or out buildings~~, or accumulation of building additions of more than three hundred (300) square feet, ~~accessory buildings five hundred (500) square feet or greater~~, or a remodeling valued at ~~twenty three~~ thousand dollars ~~(\$20,000.00) (\$30,000.00)~~ or more, to install curb, gutter and sidewalk.

\*The reasoning behind this is to make the square footage and the dollar amount more consistent. Dave Houston, Chief Building Official, indicated that a 400 sf remodel costs approximately \$38,000, which works out to about \$95 dollars a square foot. So an addition of 300 sf works out to almost \$30,000.

\*At the Planning Commission meeting on May 8, 2008 some questions were brought up concerning accessory buildings and whether the 300 sf requirement is reasonable. As a result of that discussion staff separated out the accessory buildings and required any accessory buildings over five hundred (500) square feet to install curb, gutter, and sidewalk. The size limitation of five hundred (500) square feet was decided upon because it is consistent with the accessory building portion of our code. In the code that is the size where accessory buildings are required to match the home.

- D. The city allows delay of the installation of the curb, gutter and sidewalk in ~~the R-R and A-1 zones~~ all residential zones through a conditional use permit, at the time the building permit is issued, unless the property owner subdivides or a new development is adjacent to a property with existing street improvements. Where improvements are not required, the property owner shall sign a waiver of protest for any future special improvement district.

\*As the code is currently written, only lots in the R-R and A-1 zones can delay the installation of curb, gutter, and sidewalk. However, there are certain instances where this is a reasonable request in the R1 zones as well. Installing improvements for a single lot really do not benefit the area when it is the only stretch of sidewalk for an entire neighborhood. In addition, currently the request needs no additional approval, but this change would require anyone seeking this request to obtain a conditional use permit. This is an improvement to the current ordinance because making it a conditional use will allow us to look at each request separately.

Mayor Daniels then opened the discussion to a public hearing. No one came forward. He then closed the public hearing and asked the Council for questions or comments.

Council Member Atwood said he was concerned that the property owner should be, at some point, still be required to put in the improvements. Mayor Daniels explained that the owner would sign a waiver of protest so that when the City was ready for the improvements to be installed, the owner would be required to put in curb, gutter and sidewalk. The Mayor then asked for a motion.

**ACTION:** Council Member Wilson moved to approve Ordinance No. 2008-14, amending Section 10-15-41B & D, "Curb, Gutter and Sidewalk Improvements," of the Pleasant Grove City Municipal Code, regarding amending the required installation of the curb, gutter and sidewalk improvements. The purpose is to require installation of curb, gutter, and sidewalk improvements

for a remodel valued at thirty thousand dollars (\$30,000) or more, and to allow installation to be delayed in residential zones through the issuance of a conditional use permit, based on the following findings: (1.) The proposed changes meet the goals, policies and objectives of the General Plan; (2.) The proposed changes are in the interest of the public; (3.) It is a benefit to the City to review requests to delay installation of curb, gutter, and sidewalk improvements.

The proposed changes were given a recommendation of approval by the Planning Commission at a public hearing held on May 22, 2008. A public hearing was held. Council Member Jensen seconded and the motion passed unanimously with Council Members Wilson, Boyd, Jensen and Atwood voting "Aye."

**L. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING SECTION 10-11C-2/ITEM E, "CONDITIONAL USES," TO ADOPT LAND USE CLASSIFICATION #6515/BEHAVIOR, DRUG, AND ALCOHOL TREATMENT CENTERS, AS A CONDITIONAL USE IN THE C-S/COMMERCIAL SALES ZONE, FOR THE APPLICANT YOUTH ALLIANCE. CITY WIDE IMPACT**

Planner Allen came forward and explained to the Mayor and Council that this public hearing was to consider adding a conditional use to the C-S zone. The applicant was Alliance Youth Services. He said this was a request for the Council to review whether behavioral treatment center uses should be adopted into the Commercial Sales (C-S) zone. If so, he said that staff recommends adopting the use as only a conditional classification.

The applicant is requesting to adopt a new use into the C-S/Commercial Sales Zone, which would allow the applicant, if approved, to locate their operation at a property they have chosen. The applicant has chosen a property at 560 South and 300 East, and would like to use the existing home as an office until they are able to complete construction on a new building.

The land use designation for this property is Commercial Retail. The use proposed to be adopted is best suited within or near a commercial zone.

There are areas of the C-S Zone along State Street that border existing single-family or high-density residential. However, the land use for these properties is planned to one day be commercial. Across the street from the possible location (on 300 East), of the proposed use, is intended to be high-density residential, so the land the applicant is intending to apply this use, if approved, sits right on the boundary of a commercial area. The following is the code amendment proposed to be adopted into the C-S Zone as a conditional use:

6515 Behavior, drug and alcohol treatment centers

The above use is not normally considered to be the type of the standard commercial use anticipated in a general commercial zone. The City would be better served to allow these types of uses be "conditional" to be reviewed in a public hearing, with the ability to require certain applicable conditions, prior to approval.

On June 12, 2008 the Planning Commission held a public hearing on the item. The first motion given was to deny the request, because the use is already allowed in two other zones, but the

motion failed by a vote of 3-4. The second motion passed 4-3 with the condition that the therapists providing the treatment are to be certified by the State.

Planner Allen then told the Council that staff recommended that they approve the proposed text amendment, adopting land use classification 6515/Behavior, drug, and alcohol treatment centers, as Conditional Use classification in the C-S/Commercial Sales Zone.

Mayor Daniels asked why the C-S zone was chosen for this use. Planner Allen answered that as staff, they moved forward to look at all zones and to provide an appropriate place for this proposed use by the applicant. He said staff felt that it would better be placed in a commercial instead of a residential zone.

Council Member Jensen then disclosed that he is a head master of such schools and facilities that are similar to what is being proposed. He said he thought it appropriate that he explain that there are facilities where young people can come in for a day for what is termed "drop in" treatment. He said others, such as the one being proposed, are a 24-hour residential treatment center, where the residents live for several weeks or months.

Attorney Petersen agreed in that the standard definitions for land use say that one type of facility is residential and the other is non-residential.

Mayor Daniels then asked again why in commercial instead of another zone in the City. Attorney Petersen then indicated that such facilities can create a politically charged atmosphere if they are placed in a residential zone. She said that originally, the applicant was looking at an area where there was a child-care facility right next door. She noted that staff recommended perhaps the applicant not apply to build in that area; but instead look at the C-S zoned area.

The applicant, Mr. Jim Otteson, then came forward. The Mayor asked what Mr. Otteson had understood was the possible move to allow the facility in the C-S zone. Mr. Otteson said that he understood that the zone could only be used for this kind of facility on a case by case or conditional use.

Mr. Otteson then explained that he was a professional therapist and businessman. He said he wanted to set up services locally in Pleasant Grove. He said that underprivileged, troubled youth would be living in the facility. He also noted that strict supervision would be enforced. The youth's education would take place in cooperation with the Alpine School District. Additionally, he said there would be one staff person per three youth.

Council Member Jensen asked if the youth would be placed in the facility by the State. Mr. Otteson said yes, they would. Council Member Jensen asked if the facility was yet licensed by the State. Mr. Otteson said no, not yet. He said that they did have another facility in American Fork City just north of the LDS Temple.

Mayor Daniels then said that in his experience, there was a need for this kind of facilities in dealing with youth that needed this kind of care.

Council Member Jensen then explained that he is professionally affiliated with similar facilities throughout Utah County. He noted that these young people are not criminals, but need treatment for substance abuse. He then said that most facilities that he is aware of are in this exact kind of

zone where they are situated. He also remarked that this particular kind of clientele are not a threat to the community and are generally not destructive.

Mr. Otteson agreed. He said that the staff of this facility will not accept young people if they have a history of violence, are a “run risk,” a “gang risk,” etc. He said they are ages 12 to 18. He also said they remain in the facility from a year to 18 months. Mayor Daniels asked if when they turn 18, if they just check out. Mr. Otteson said no, that the judge either allows them to go home, or he remands them to the adult system. He also said that if the kids do leave the facility, it is his experience that they want to go home. However, if they do go home, he said the parents will call the facility and ask that they come and get the young person and bring them back.

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

**ACTION:** Council Member Jensen moved to approve Ordinance No. 2008-15, amending Section 10-11C-2/item E, “Conditional Uses,” to adopt land use classification #6515/Behavior, drug, and alcohol treatment centers, as a conditional use in the C-S/Commercial Sales Zone, for the applicant Youth Alliance; based on the following findings: (1.) The proposed changes would allow an important service within the community; (2.) The C-S Zone is very limited in the City, to areas that are on or near the State Street corridor. A public hearing was held. Council Member Atwood seconded and the motion passed with Council Members Boyd, Jensen and Atwood voting “Aye,” and Council Member Wilson voting, “Nay.”

**M. TO CONSIDER THE ADOPTION OF A RESOLUTION AMENDING THE PLEASANT GROVE CITY’S CONSTRUCTION STANDARD SPECIFICATIONS MANUAL; FOR THE PURPOSE OF UPDATING CONSTRUCTION DRAWINGS AND CIVIL REQUIREMENTS FOR IMPROVEMENTS, AND TO ADOPT NEW CONSTRUCTION SPECIFICATIONS FOR THE CITY’S NEW MONUMENT ENTRY SIGNS, AND OTHER MINOR UPDATES, AS REQUESTED BY THE CITY ENGINEER. CITY WIDE IMPACT**

After Mayor Daniels read this item, Engineer Lewis can forward and explained that this was a proposed Resolution amending the Pleasant Grove “Public Works Standard Specification and Drawings” manual. The applicant is Pleasant Grove City staff and the request is to approve the proposed manual updates. He said this will include a number of new drawings, including that of the entry monument signs. He also noted that it is a “housekeeping” item.

Engineer Lewis explained that the “Public Works Standard Specifications and Drawings,” manual is supposed to be updated on an annual basis. At least this is what is printed on the cover. The last update was made in May 2006. An updated version is overdue. For a listing of the proposed changes to the standard specifications and drawings he asked that the Council see the attached document titled, “Summary of the Most Significant May 2008 Revisions.”

He next said that engineering was in full support of the changes. The updates reflect needed changes to construction standards at the request of Public Works, Planning and Engineering. Many of the changes are minor corrections or clarifications needed to reflect current practice. Others address changing needs of public works due to issues relating to the maintenance of

public improvements or bring the standards into compliance with the City's General Plan. Some are driven by changes to State law or to the revised plan review process due to having in house Engineering staff.

He indicated that after the Council's acceptance of this version, staff planed to issue regular addendums (perhaps quarterly) with a complete revision on a biannual basis. This should reduce the effort required to keep the manual current.

The proposed changes are in an effort to be more consistent with the General Plan, which was updated last year.

Planning is in full support of the changes. The updates to the street cross-section drawings are to coincide with the goals and objectives from the General Plan, for ensuring streetscape along the City's Collector and Arterial Street corridors. Planning has also worked with the City's Leisure Services Director (Deon Giles) to come up with the designs for the City entry monument signs. Staff believes the signage and all proposed design changes will help improve the overall image of the City.

Mayor Daniels noted to Engineer Lewis that maybe this would be a good time to address Mr. Wade's earlier concerns (during the open session) about the rings around the manholes being asphalt instead of cement.

Engineer Lewis then explained that when the ring is concrete, it is more difficult to get compaction around the ring. He said that they have had more success with compacting asphalt around the ring. Also, he said public works has found that when some of the rings need to be ripped out, that it is much easier to remove the asphalt than a concrete ring. He also indicated that crews can repair asphalt much easier than concrete.

Director Walker added that in running tests, the Streets Department has found that not one of the 20 concrete manholes that they have watched has not cracked or broken. He said the asphalt keys in better with the manholes in the long run than the concrete.

As far as the trenches in the streets that Mr. Wade had brought up as having problems, Engineer Lewis said that Director Walker said that the contractor that has been doing the work is actually better at filling and compacting the trenches than other contractors the City has employed in the past to do the work. He explained that all roadways have settlement, which sometimes causes trenches where the lines have been installed in the roadway.

Council Member Jensen asked about the third party that is to be inspecting and passing off the road work. He said it is his understanding that this third party is hired by the contractor. He asked if this would cause a conflict of interest of any kind—or if the contractor would make sure the inspection was correctly done. Council Member Atwood explained that if the third party inspector was allowing shoddy work in the form of compaction tests, etc, to pass inspection, it would hurt business for the contractor in the long run.

Council Member Boyd said she would like to again recommend that there be signage that identified the historical neighborhoods in the City.

After further discussion, Director Walker said he appreciated Mr. Wade and his concerns about the City's roads. He said that he was in the process of putting together a road repair committee, and would like to know if he would be willing to serve on that committee. Mr. Wade said yes, he would.

Regarding the new City entrance signs, Director Giles said that there will only be a couple of signs that will large and have a water feature. He said the other entrance signs will be smaller, and without the water feature.

**ACTION:** Council Member Boyd moved to approve Resolution No. 2008-020, amending the Pleasant Grove City's Construction Standard Specifications Manual; for the purpose of updating construction drawings and civil requirements for improvements, and to adopt new construction specifications for the City's new monument entry signs, and other minor updates, as requested by the City Engineer. Council Member Wilson seconded and the motion passed unanimously by voice vote with Council Members Wilson, Boyd, Jensen and Atwood voting "Aye."

## **9. STAFF BUSINESS**

- Director Giles thanked everyone that had attended the ribbon cutting at the new Community Center that same morning. He said he has been pleasantly surprised at the support shown by the community with all of those that have bought memberships to the Center. He said the response has been better than was originally anticipated.
- Chief Sanderson reminded everyone that his department will light off fireworks at dark at the new location at the Jr. High this year. He also announced that he was able to attend Lindon's new public safety open house, and it was very nice.
- Recorder Fraughton reminded the Mayor and Council that the HOA water meeting that had been scheduled for the next evening at the Lion's club had been cancelled
- Attorney Petersen said that in regard to the Cedar Hills boundary adjustment, a map has now been prepared. She said three or four of the residents included do not want to go to Cedar Hills. She then explained that it would now be incumbent upon the residents to exercise their protest rights, and see if they would meet the requirements of the percentage of property needed to protest. She also noted that Administrator Mills had been in communication with Cedar Hills City Administrator Conrad Hildebrandt regarding the possible amendment of the current map of the possible boundary adjustment. She said that she was asking because Pleasant Grove needed to send over their preferences on the map.

Mayor Daniels said that he wondered if those that didn't want to boundary adjust to Cedar Hills might be able to defeat the attempt due to owning the necessary percentage of property. Attorney Petersen said she is concerned about the islands that will be created. She said that she thinks it is best left up to the County's determination. The Mayor asked for comments from the Council.

Council Member Boyd said that she would be hard pressed to know that those residents have sent letters to Pleasant Grove saying they don't want to go to Cedar Hills, and then

to boundary adjust them out of the City; thereby ignoring some of their wishes. She said that Cedar Hills needs to provide a map to Pleasant Grove officials.

Mayor Daniels said he has seen a map. He also said that he feels that Pleasant Grove needs to proceed forward, and then if the County puts a stop to the boundary adjustment due to the possible formation of islands, etc, then the legal process will run its course.

Council Member Atwood agreed. He said that if the City allows the legal process to go forward, then no one can accuse Pleasant Grove of forcing anyone out of the City.

Attorney Petersen then explained that there is a much smaller number of residents in protest of the boundary adjustment than there once were. She said it probably would be good to just allow the statutory process to go forward.

Council Member Boyd noted that the concern is that after a certain date, if people are not residents of Cedar Hills, and are hooked into their utilities, they will be charged eight times the normal rate. She said that this is why this needs to be addressed.

Mayor Daniels then asked what the Council wanted to do with this issue. The Council discussed it briefly, and expressed that they wanted Pleasant Grove to just allow the legal process to go forward.

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

- Council Member Jensen asked if it had been resolved as to who on the Council would be taking his place on the Utah Lake Commission. He said it would be the fourth Thursday of each month at 7:30 a.m. After a brief discussion, Council Member Atwood said he would attend. Council Member Wilson offered to cover the meetings when Council Member Atwood was unable to attend. He next said he would be out of town for the Council meetings on August 5 and September 2, 2008.

## **12. SIGNING OF PLATS**

The Secretan and Hullinger final plats were signed by the Council.

## **13. REVIEW CALENDAR**

Mayor Daniels reminded everyone that the Fourth of July fireworks would be at a new the location—the Jr. High—this year. He also said that the 24<sup>th</sup> of July would be a holiday for City employees

## **14. APPROVE PURCHASE ORDERS**

Mayor Daniels asked if the Council had reviewed the purchase orders for June 25, 2008.

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

**15. ADJOURN**

**ACTION:** At 10:59 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Atwood seconded and the motion passed unanimously with Council Members Jensen, Wilson, Atwood and Boyd voting, "Aye."

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

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