

Pleasant Grove City Council Minutes
August 7, 2007
7:00 p.m.

PRESENT:

Mayor:

Mike Daniels

City Council Members:

Cindy Boyd

Lee G. Jensen

Mark Atwood

Jay Meacham

Excused:

Bruce Call

Deputy Recorder:

Mary Burgin

Others:

Frank Mills, City Administrator

Tina Petersen, City Attorney

Deon Giles, Leisure Services Director

Lynn Walker, Public Works Director

Ken Young, Supervisor of Community Development

Tom Paul, Police Chief

Marc Sanderson, Fire Chief

Libby Flegal, Neighborhood Chair

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

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

1. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance lead by Boy Scout Kevin Carlson.

2. OPENING REMARKS

The Opening Remarks were given by Council Member Meacham.

3. APPROVAL OF MEETING'S AGENDA

Mayor Daniels noted that letter 'k' would be pulled (indefinitely) off the business portion of the agenda, which was to consider approval of a resolution authorizing the Mayor to sign a ground lease agreement for the Fox Hollow Golf Course.

He then asked for a motion.

ACTION: Council Member Jensen moved to approve the meeting's agenda with letter 'k' being pulled off the agenda, indefinitely. Council Member Meacham seconded and the motion passed unanimously with Council Members Atwood, Jensen, Boyd and Meacham voting "Aye."

4. **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. Joint City Council/Planning Commission Minutes for April 10, 2007
2. City Council Minutes for July 3, 2007
3. Work Session Minutes for July 10, 2007
4. City Council Minutes for July 17, 2007
5. To consider appointment of new member to the Historical Preservation Commission (Kristy O. Tymon).
6. To consider appointment of new member to the Planning Commission (Dallin Nelson).
7. To consider approval of Change Order #3 and Final Payment to Chad Broderick Construction, Inc. for the Mahogany Park Project.
8. To consider approval of Partial Payment No. Two and Change Order No. Two to J. Lynne Roberts & Sons for the Manila Tank Park Land

ACTION: Council Member Boyd moved to approve the consent items as written. Council Member Jensen seconded and the motion passed unanimously with Council Member Atwood, Jensen, Boyd and Meacham voting, "Aye."

5. OPEN SESSION

Mayor Daniels asked if there was anyone who wanted to come forward in an open session format. He asked if they would state their name and address and noted that they needed to limit their comments to two minutes or less.

Planning Commissioner Pete Blake came forward and said he had a concern he would like to share with the Council. He said that regarding impact fees on 2000 West. He noted that the amount that Mr. Burningham has probably not assessed American Fork properly as their residents will be using and accessing that road. Mayor Daniels said that this was a good suggestion, and asked Administrator Mills to please check out the assessments and report back to himself and the Council.

Ms. Roselle Harney from the Pleasant Grove Library Board was the next to come forward to the podium and address the Mayor and Council. She said the Board would like to report that the recent ice cream social they had held had been very successful. She indicated that between 600 and 700 patrons had attended. Also, she said that the entire cost of the social had been provided by local businessmen.

She next said that there would be an upcoming 'Meet The Candidates' night on September 6, 2007. Mayor Daniels suggested that the Board perhaps contact the Jr. High for the use of their auditorium for the event.

6. NEIGHBORHOOD ADVISORY BOARD REPORT

NAB Chair Libby Flegal said that she didn't really have anything to report to the Council regarding the NAB.

7. BUSINESS

A. PUBLIC HEARING TO CONSIDER AN ORDINANCE IN REGARDS TO AMENDING SECTIONS 10-14-15 & 10-14-27-1 THROUGH 3, OF THE PLEASANT GROVE MUNICIPAL CODE, REGARDING SETBACKS & LANDSCAPE BUFFERING, IN THE GROVE ZONING DISTRICT. SAM WHITE'S NEIGHBORHOOD

Mayor Daniels read this item. Supervisor Young explained to the Mayor and Council that the new City Engineer, Mr. Degan Lewis, would be available for meeting as he will always be in Community Development building during the City Council meetings in case there are questions. Supervisor Young then indicated that this proposal was to amend The Grove landscape buffer and setback requirements, including a corresponding amendment to each subdistrict in The Grove Zoning District. The applicant is the Pleasant Grove City Staff. This is in the Grove Zoning District; including all three subdistricts. The request is for the Council to grant approval for amendments to Sections 10-14-15, 10-14-27-1, 10-14-27-2 and 10-14-27-3 of the City Ordinance, which is regarding landscape buffers and setback requirements in The Grove Zoning District. Staff is requesting an amendment to The Grove Zoning Ordinance because of some inconsistencies that have been found. They also want to make the Ordinance more flexible for the commercial developments being proposed, which will have a large impact to The Grove area as well as the City's future tax base. Staff feels that the overall outcome will allow for the Ordinance to more effectively meet the purpose intended with the landscape buffers. They noted it will also more clearly outline the setback requirements in each sub-district of The Grove Ordinance.

Under Section 10-14-15/Item E, 'Street Landscaping Buffers,' the purpose intended for this section is listed under #1. It states that the; "Purpose: Landscape buffers are required in order to lend continuity among different architectural styles, establish a pleasing view for motorists, and create safe and pleasant corridors for pedestrians." In reviewing the required setbacks and buffer widths, Staff has found that the current requirements do not achieve this purpose overall. The following is a table showing these requirements in their current form:

MINIMUM STREET LANDSCAPE--

BUFFER AREA REQUIREMENTS

Type Of Roadway	Minimum Building Setback (Feet)	Minimum Street Landscaped Buffer Width (Feet)
Local roads (except in residential areas)	25	25
Collectors	25	25
Arterials	25	25

Entryway corridors	45 25	30 <u>25</u>
Interstate	50	40

Supervisor Young explained that the table showed the current setbacks and buffer width requirements, which are based off of roadway types. The only roadway that Staff believes meets the purpose given above, is the Entryway Corridor requirement, which is a minimum setback of 15 feet for buildings, and a buffer requirement of 30 feet, but allows for the buffer to be measured from the back of curb, if at least 15 feet of landscaping is installed outside of the road right of way. This creates a more pleasing view for pedestrians and motorists, and allows for some flexibility with the developer. This also matches the minimum setback requirement of 15 feet, if the setback measurement is from the property line. This creates an inconsistency for other properties within the Grove. Staff would like to have the setback and landscape buffer measurements consistent for all roads within The Grove, and to also have a more favorable starting and ending point of these measurements.

Supervisor Young said that Staff would like to change the landscape buffer measurements to begin from the back of curb for all roadways in The Grove. This would allow for the pedestrian walkway/sidewalk, and other space within the dedicated right-of-way (ROW), on the developers side of the curb, to be included within the buffer area. This is largely due to The Grove having varying sidewalk widths.

The developer can still achieve meeting the buffer requirement through a combined average along the street frontage. Staff is including a new exception clause in this same section that allows the landscaped buffer to be reduced no more than five additional feet by the City Council. This is contingent upon if the applicant has provided enhancements and exceeded standard requirements for architecture, amenities and landscaping for the overall project proposal.

Supervisor Young said that if the City chooses to keep the current buffer and setback requirements, then Staff would anticipate the following; 1. Inconsistency with the ordinance--developments along the entryway corridors could measure from top back of curb, where developments along the other street frontages could not measure the same. 2. Buildings end up set back further into property, because of drives and parking in between buildings and the streetscape. This is less pleasing, and not what the ordinance intended. 3. Less flexible to future commercial/retail and office developments.

Having an architecturally pleasing building, with well prepared landscaping between the building and the roadway and site parking and on-site drives within the interior, is what Staff wishes to achieve for all areas of The Grove, he noted. With a new exception clause to allow for a small reduction to the buffer area, commercial developers should be able to have greater flexibility, and the City could still preserve what it would like to achieve along these corridors within the Grove. Staff is matching the proposed changes for all subdistricts within The Grove, which at present time, are not very clear.

The proposed text amendments comply with the General Plan, through section 10-14-1/*Purpose*. In sub-section letter (b.) it states, “This chapter further seeks to foster development that will provide the Grove Zoning District with a special district identification that will increase property

values, project real estate investment, spur commercial activity and attract new businesses and residential opportunities. More specifically, the creation of this special district will be encouraged by means of a coordinated set of design principles for buildings, site planning, landscaping and signage. These principles are intended to guide the individual development activities, so that they will work together visually.

The proposed ordinance changes apply mainly to the Street Landscaping Buffers under section 10-14-15; however, Staff has also included each subdistrict to clearly identify the setback requirements, so that from top to bottom, The Grove Ordinance is consistent and also appropriate for what the City is trying to achieve for this area. The modifications to each subdistrict are simple. Under each subdistrict, setback requirements are found under the "Site Design" section. Here, Staff has made sure that the front yard setback matches the setback requirement found in section 10-14-15; and also to modify the text to show that there is, "No requirement," for a Side Yard Setback. For properties of a commercial/retail or office use adjacent to residential, the new text refers the reader to the appropriate section that is already in place, found in section 10-14-15.

Staff's goal is to have the ordinance be consistent, give added flexibility to developers, and to turn the Grove Zoning District into a well designed and prosperous area of the City. Planning Staff believes these changes shall accomplish the desired purpose and goals for the Grove area.

Mayor Daniels then opened the discussion to a public hearing. No one came forward. He then closed the public hearing and brought the discussion up to the Council table. Council Member Jensen noted that the area between the curb and the sidewalk could not be reduced. There were no more comments from the Council so the Mayor then asked for a motion.

ACTION: Council Member Jensen moved to approve Ordinance No. 2007-30, in regards to amending Sections 10-14-15 & 10-14-27-1 through 3, of the Pleasant Grove Municipal Code, regarding setbacks and landscape buffering, in The Grove Zoning District, with the following conditions; 1. That a minimum 5' wide park-strip is be located between the top-back of curb & the sidewalk, as a general landscape buffer requirement; 2. To remove any requirement having a minimum 15' of landscaped buffer starting from the back side of the sidewalk, because of the varying sidewalk widths. Also, with the following findings; 1. The setback and landscape buffer requirements are not consistent with each other in the Grove; 2. The current setback and landscape buffer requirements are not in the spirit of the given "Purpose" outlined in The Grove Zoning District. 3. The Planning Commission has forwarded a recommendation to approve the proposed ordinance amendments. Council Member Meacham seconded and the motion passed with Council Member Atwood, Jensen, Boyd and Meacham voting, "Aye."

B. PUBLIC HEARING TO CONSIDER JOHN SHOELL'S REQUEST TO VACATE LOT 6 OF THE TIMPANOGOS MEADOW SUBDIVISION, PLAT "A," AND TO CREATE A 2-LOT SUBDIVISION KNOWN AS SHOELL SUBDIVISION, PLAT "A," LOCATED AT APPROX. 73 EAST 1200 NORTH, IN THE R1-8 (SINGLE FAMILY RESIDENTIAL, 8,000 SQ. FT. LOT AREA) ZONE. NORTH FIELDS NEIGHBORHOOD

After Mayor Daniels read this item, Supervisor Young remarked that this request by Mr. John Shoell is a final plat proposal called the Shoell Subdivision Plat "A," which includes the vacating of lot #6 of the Timpanogos Meadow Subdivision Plat "A." The approval being requested is of a

two-lot subdivision preliminary plat. The address is approximately 73 East 1200 North in the R1-8 zone. It is comprised of .48 of an acre or 20,908 sq. ft.

The Planning Commission reviewed this subdivision proposal on June 28, 2007, and approved the Preliminary Plat; however, due to the item not properly being noticed to include vacating lot #6 of the Timpanogos Meadow Subdivision Plat "A," the proposal went back before the Planning Commission on July 26, 2007.

The property currently has a house located on the southern half of the property with frontage onto 1200 North. The size of the lot combined with its adequate north-south length allows for the lot to subdivide, creating a second building lot on the northern half of the property. The existing home will remain and become lot one.

The current zoning of the property is R1-8. The proposed subdivision complies with all of the requirements of the R1-8 zone. There is also no zoning conflict regarding vacating lot #6 from the Timpanogos Meadow Subdivision Plat "A."

The proposal is a two-lot subdivision located on the northwest corner of 100 East and 1200 North. The frontage for the existing house, on lot #1, will remain on 1200 North and lot #2 will become a new building lot that will have frontage along 100 East. The engineering department has reviewed the proposed Final Plat and recommended approval.

Mayor Daniels next opened the discussion to a public hearing. No one came forward. He then brought the discussion up to the Council table. Council Member Jensen noted that the permission from UDOT had been received and was dated for May 17, 2007. Supervisor Young said that that was UDOT's date, and didn't need to correspond with the City's dates of approval.

ACTION: Council Member Boyd moved to approve John Shoell's request to vacate lot 6 of the Timpanogos Meadow Subdivision, Plat "A," and to create a 2-lot subdivision known as Shoell Subdivision, Plat "A," located at approx. 73 East 1200 North, in the R1-8 (Single Family Residential, 8,000 sq. ft. lot area) zone with the following condition; That all Final Planning, Fire, and Engineering Department requirements are met prior to the recording of the final plat. Also, with the findings that; 1. The proposed subdivision complies with the development requirements of the R1-8 zone; and 2. The proposed subdivision has been given a recommendation of approval from City Engineering. Council Member Meacham seconded and the motion passed unanimously with Council Member Atwood, Jensen, Boyd and Meacham voting, "Aye."

C. PUBLIC HEARING TO CONSIDER CITY SIDE PROPERTIES L.C.'S REQUEST FOR A CONDOMINIUM PLAT AMENDMENT TO THE CITYSIDE OFFICE COMPLEX REGARDING TWO STORY ABOVE GROUND BUILDING ELEVATIONS FOR PROPERTY LOCATED AT APPROX. 499 EAST 1000 SOUTH IN THE CS (COMMERCIAL SALES) ZONE. STRING TOWN NEIGHBORHOOD

Following Mayor Daniels reading this item, Supervisor Young explained that this was the request of applicant Mr. Bill West was to consider approving the proposal to amend the Condominium Plat/Site Plan/Conditional Use Permit for City Side Condominium Development Plat "A." The property is in the C-S/Commercial Sales zone and is located at approximately 60 North and 100 East. The acreage of the property is 3.94 acres.

The applicant was requesting that the Council grant approval to amend the City Side Condominium Plat/Site Plan by changing the elevations from a one-story with a basement to a two-story building elevation, including modifications to fencing and screening along the east boundary.

The original site plan was approved with elevations showing one-story, above-ground buildings with a basement. Although the first buildings were built to meet this elevation, the more recent buildings have been built as two-story, above ground buildings. This was allowed to occur through approval of permits issued by Doug Bezzant, former Community Development Supervisor/Building Inspector. When this decision was made, the normal plat amendment process was not followed, and consideration, of the impact on the adjacent residential homes to the east was not given.

After reviewing the approval, of the original site plan elevations, and due to the neighbor's concerns, it was determined that the developers should seek an amendment to the Plat and Site Plan building before any further two-story buildings were permitted for construction.

On May 10, 2007 the Plat/Site Plan Amendment went before the Planning Commission. Several adjacent residents were present, and they explained how the new proposal and overall development is negatively impacting their quality of life as well as their property. Once all concerns were heard, it was evident that some issues needed to be addressed. In addition, there were other concerns voiced by the public, but those issues are to be a police matter if they persist. The Commission advised Staff to address the following issues, and continued the item for a later hearing:

- Proper fencing and screening of the east boundary of the commercial site.
- Lighting (screening).
- Vehicles breaking through fence into the rear yards of the single-family homes.

Staff held a meeting and invited the adjacent homeowners and the applicant to review the Site Plan. The objective was to come to an agreement on reasonable changes that would help address the concerns of all adjacent homeowners. Staff believes that reasonable changes were proposed, and agreed to by the applicant.

On June 28, 2007 the item went back before the Planning Commission. The Commission made a motion to approve the amended Plat and Site Plan, believing that Staff and the applicant had exhausted all efforts to mitigate the concerns from the previous meeting (regarding the impact on the adjacent homeowners to the east). The following conditions were included with the motion:

- A 2 ft. tall concrete retaining wall is to be constructed along the east boundary to act as a barrier to vehicles crashing through the fence and to provide additional height to the fence.
- A 6 ft. tall "Mighty Lite" concrete fence is to be installed on top of the 2 ft. retaining wall along the east boundary.
- The new fence shall not end partway along a homeowner's backyard, but shall run the entire length of the east property line (6-lots), to ensure complete screening of the properties.

- The applicant and adjacent homeowners are to work together to determine the proper location of planting any new trees for additional screening.

As a result of the meeting with adjacent homeowners, and after further direction received from Staff, the applicant submitted a new Site Plan, which indicates the changes he is willing to make to help mitigate the adjacent homeowners concerns. The changes proposed are as follows:

- Replace chain link fence with an eight ft. tall solid concrete wall.
- Shade trees planted strategically along the east boundary where the buildings have a direct view, from the 2nd floor, into the adjacent homeowner's backyards.
- To protect the proposed fence from vehicles accidentally breaking through, a two (2') tall retaining wall is to be constructed at the base of the proposed fence.

So, he said the applicant was proposing a total of 8 feet of screening, and total of seven additional trees to provide additional screening against unwanted peering, and light from the commercial buildings.

The new buildings are shown as having a height of 30 feet. Although there is not a specific height limitation in the C-S Zone, this height does fall under the maximum height limitation of 35 feet for homes in the adjoining residential zones; therefore, the proposed height of these buildings is not an issue. JUB Engineering has no concerns involving this proposal. The subject property is designated Commercial Retail by the City's General Land Use Map, which allows for this type of commercial operation.

Mayor Daniels thanked Mr. Bill West for working with the neighbors on mitigating solutions with the project. He then asked if there were any more comments or questions. There were none. He asked for a motion.

ACTION: Council Member Jensen moved to approve City Side Properties L.C.'s request for a condominium plat amendment to the Cityside Office Complex regarding two story above ground building elevations for property located at approx. 499 East 1000 South in the CS (Commercial Sales) zone with the following conditions; 1. A 2' tall concrete retaining wall is to be constructed along the east boundary line. 2. A minimum 6' tall solid concrete (Mighty Lite) fence is to be installed on top of the 2' retaining wall, along the east boundary. 3. The new fence is to not end partway, but run the full length of the homeowner's backyards to avoid leaving any gaps in screening. 4. A minimum of seven additional trees are to be installed by the applicant, along the east boundary. The applicant is to work with the adjacent homeowners on the exact locations of these trees. 5. All fencing and additional landscaping along the east boundary is to be done immediately, and be completed prior to construction of any new buildings. 6. That all on-site lighting for new and future buildings is to be shielded to prevent glare to the neighboring residential properties. 7. That all final planning, fire as well as the Engineering Department requirements are met prior to recording the Final Plat. Also, with the following findings: 1. The adjacent homeowners concerns have been heard. 2. The applicant has agreed to make improvements to help mitigate the adjacent homeowners concerns. 3. The City is following the appropriate process for addressing a Plat/Site Plan Amendment. 4. Staff believes the efforts made to mitigate the concerns with the Site Plan, particularly the east boundary are in the best interests of the public. Council Member Boyd seconded and the motion passed unanimously with Council Members Meacham, Boyd, Atwood and Jensen voted "Aye."

D. PUBLIC HEARING TO CONSIDER AN ORDINANCE REGARDING A TEXT AMENDMENT TO SECTIONS 10-9B “MEDIUM MULTIPLE-RESIDENTIAL (RM-7)” AND 10-11D “COMMERCIAL SALES -2 (CS-2)” OF THE PLEASANT GROVE CITY MUNICIPAL CODE TO ALLOW HOME OCCUPATIONS AS AN ACCESSORY USE TO PERMITTED USES IN THE ZONE. CITY-WIDE IMPACT

Supervisor Young explained that this was a request being made by Pleasant Grove City to consider an ordinance amendment allowing Home Occupations in the CS-2 and RM-7 Zones which constitute Commercial Sales-2 and RM-7/Medium Multiple Residential. He said that Pleasant Grove City Staff would like to add text to the CS-2 & RM-7 Zones to allow for certain Home Occupations in multi-family residential dwellings.

Recently, under the direction of City Administration, the Community Development Department requested to add Home Occupations, as a permitted-accessory use, to The Grove Mixed Use Zone, as part of the overhaul of the text for the entire Grove Zoning District. Council approved this request on March 6, 2007.

Through recent applications from citizens, Staff has discovered that the CS-2 and RM-7 Zones do have a provision for Home Occupations as well. In order to be consistent with this request, Home Occupations should be considered in both of these zones, especially since RM-7 allows for single-family dwellings. Currently there are three home-based business applications on hold until this is resolved.

Supervisor Young noted that the City has already allowed for residential dwellings to exist in the Grove, CS-2 and RM-7 Zones. A recent text amendment permitted Home Occupations in the Grove Mixed Use Subdistrict, but Staff was unaware that Home Occupations were not allowed in the CS-2 and RM-7 Zones. These are the only two remaining zones that are missing the Home Occupation option.

For the most part, the new ordinance will apply to multi-family dwellings. Staff has crafted the new ordinance to be more sensitive to the close quarters, one typically finds, in multi-family developments. The new ordinance is also sensitive to parking, which has been an issue with these developments. After meeting with the Planning Commission on May 24, 2007, it was agreed that Home Occupations should be allowed, but needed to restrict the nature of the businesses allowed for multi-family dwellings to those that are office/internet types only. The Commission continued the item, requesting Staff to put this list together and return for another hearing.

In creating the new list of low impact uses, Supervisor Young said that Staff referred to the existing list of allowed uses for Home Occupations that are found under section 10-21-5 of the code. Out of the businesses chosen, there were only a few low-impact office-type businesses that Staff had to modify to say, “personal office or internet based only.”

So, the new text provides a list of businesses for multi-family dwellings only, and then for single-family dwellings, the text simply refers persons to the Home Occupations section found under 10-21-4. All Home Occupations, whether they are on the restricted list for multi-family dwellings in the CS-2 and RM-7 Zones, or for single-family dwellings in the RM-7 zone, are all

subject to the additional guidelines and restrictions of section 10-21-4 which governs Home Occupations. The proposal does not conflict with the City's General Plan.

Staff returned to the Planning Commission on July 12, 2007 with a list of low-impact business types, along with a new ordinance. The Commission made a motion, recommending approval to the City Council to allow for the proposed text amendment with the following minor changes:

- No "business visitors" are to be allowed at the dwellings in a multi-family development, due to the limited amount of parking in these developments, and potential impacts on neighbors.
- Change the business listed as "architectural design services" to "professional design services."

Mayor Daniels then opened the meeting to a Public Hearing. He asked if anyone wanted to come forward. No one came forward. He then brought it up to the Council. Council Member Jensen noted that he felt this was a good ordinance as no visitors would be allowed in multi-family developments. He said parking can be a problem in such areas.

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

ACTION: Council Member Boyd moved to approve Ordinance No. 2007-31, regarding a text amendment to Sections 10-9B "Medium Multiple-Residential (RM-7)" and 10-11D "Commercial Sales -2 (CS-2)" of the Pleasant Grove City Municipal Code to allow home occupations as an accessory use to permitted uses in the zone, including the following conditions; 1. That the changes requested by the Planning Commission be adopted, which are that No "business visitors" are to be allowed at the dwellings in a multi-family development, due to the limited amount of parking in these developments, and potential impacts on neighbors, as well as changing the business listed as "architectural design services" to "professional design services." Also, with the findings that; 1. This same proposal was approved for the Grove Mixed Use Zone where multi-family residential developments exist; 2. The CS-2 & RM-7 Zones allow for multi-family residential without a provision to allow home-based businesses; 3. The RM-7 Zone allows single-family residential developments without a provision to allow home-based businesses; 4. Any changes or additions made to the municipal code are to be in the spirit of making the code more consistent, clear regarding uses and matters pertaining to the City. Council Member Meacham seconded and the motion passed by voice votes with Council Members Atwood, Jensen, Boyd and Meacham voting, "Aye," "

E. PUBLIC HEARING TO CONSIDER KEN FRANCOM'S REQUEST TO VACATE LOTS 1 AND 2 OF SAM WHITE PARK SUBDIVISION, PLAT "A," AND TO CREATE A 3-LOT SUBDIVISION KNOWN AS SAM WHITE PARK SUBDIVISION, PLAT "B," LOCATED AT APPROX. 822 SOUTH 490 WEST, IN THE MD (MANUFACTURING DISTRICT) ZONE. SAM WHITE'S LANE NEIGHBORHOOD

Following Mayor Daniels' reading of this item, Supervisor Young explained that the applicant, Ken Francom, is seeking approval of Final Plat/Vacation proposal called the Sam White's Park Subdivision Plat "B." The owner of the property is Mr. Dale Warburton. The address of the property is at approximately 822 South and 490 West in the MD zone. The property is

comprised of 6.36 acres. The request is for the Council to grant approval to vacate lots 1 and 2 of the existing Sam White's Park Subdivision Plat "A" in favor of three new lots known as the Sam White's Park Subdivision, Plat "B."

The applicant would like to divide the subject property strategically to coincide with the existing buildings and future sale of the land. The owner, Mr. Warburton, has recently acquired a small piece of land to the east of lot #1, and wishes to also incorporate that into the new subdivision Plat as the new lot #1.

Supervisor Young noted that the main access will remain from 490 West, via 700 South. The 490 West roadway is completed down the length of the property, but it is not dedicated, so the applicant has agreed to dedicate (to the City), their half of 490 West.

The subject property falls within the Light Industrial land use designation, and the use of the property, associated with this plat proposal, is in compliance with this land use. JUB Engineering has recommended that the Council proceed with an approval of the final plat, subject to meeting all final requirements prior to recording the plat.

Each lot within the zone must be a minimum 1-acre in size, and have a minimum width of 100'. The proposal meets the conditions and restrictions of the MD/Manufacturing Distribution zone, and complies with all Supplementary requirements. The applicant is not to construct any permanent structures within the irrigation, drainage, or sewer easements. This has been noted on the Plat. On June 28, 2007, the Planning Commission granted Preliminary Plat approval.

Mayor Daniels then opened the discussion to a public hearing. No one came forward. He then asked if there were any comments or questions from the Council. There were none. He then asked for a motion.

ACTION: Council Member Jensen moved to approve Ken Francom's request to vacate lots 1 and 2 of Sam White Park Subdivision, Plat "A," and to create a 3-lot subdivision known as Sam White Park Subdivision, Plat "B," located at approx. 822 South 490 West, in the MD (Manufacturing District) zone, including the following condition; 1. All final Planning and Fire Department requirements are met, and completed prior to recording. Also, with the findings that; 1. The proposal meets all the standard requirements for a Final Plat submittal in the MD zone; 2. The City will obtain additional roadway dedication of 490 West; 3. The proposal has been given a recommendation of approval from JUB Engineering; 4. The Planning Commission has granted Preliminary Plat approval. Council Member Boyd seconded and the motion passed unanimously with Council Members Atwood, Boyd, Jensen and Meacham voting, "Aye."

F. PUBLIC HEARING TO CONSIDER AN ORDINANCE REGARDING SHIRLEY SWENSON'S REQUEST TO REZONE A 3.62 ACRE TRACT OF LAND FROM RR (RURAL RESIDENTIAL, 21,780 SQ. FT. LOT AREA) ZONE TO R1-20 (SINGLE FAMILY RESIDENTIAL, 20,000 SQ. FT. LOT AREA) ZONE FOR PROPERTY LOCATED AT APPROX. 301 WEST 2600 NORTH. NORTH FIELDS NEIGHBORHOOD

Supervisor Young explained that this item is a public hearing for a zone change request from applicant Shirley Swenson regarding the location of 301 West and 2600 North. She is requesting

the approval of a zone change of approximately 3.62 acres from the RR zone to the R1-20 zone.

The subject property is 3.62 acres and is owned by Ms. Shirley Swenson. The applicant's residence is on the front portion of the property, but the majority of the property is undeveloped land. Ms. Swenson is in the process of subdividing the property, but in order to do so, she is asking that the property be rezoned.

The General Plan calls for Very Low Density Residential on the subject property. The current land use designation allows the following zones: A1, R-R, and R1-20. The requested zone to R1-20 complies with the current General Plan map. The property is currently zoned R-R. The new zoning designation of R1-20 will allow lots to be 20,000 sq. ft. rather than 21,780 sq. ft, and will allow the lot width to be 100 ft. instead of the 110 ft. required in the R-R. The zoning designation will also result in a loss of any animal rights that are currently on the property. Mayor Daniels opened the meeting to a public hearing. No one came forward. He then brought the discussion back to the Council, and there were no comments or questions. He then asked for a motion.

ACTION: Council Member Boyd moved to approve Ordinance No. 2007-32, regarding Shirley Swenson's request to rezone a 3.62 acre tract of land from RR (Rural Residential, 21,780 sq. ft. lot area) zone to R1-20 (Single Family Residential, 20,000 sq. ft. lot area) zone for property located at approx. 301 West 2600 North, based on the following finding; 1. The proposed zone change is consistent with the goals, policies, and objectives of the General Plan. Council Member Jensen seconded and the motion passed unanimously by voice votes with Council Members Atwood, Boyd, Jensen and Meacham voting, "Aye."

G. TO CONSIDER ROBERT JONES' REQUEST FOR FINAL PLAT APPROVAL OF A 2-LOT SUBDIVISION & TWIN HOME DEVELOPMENT TO BE CALLED THE RPJ SUBDIVISION FOR PROPERTY LOCATED AT APPROX. 421 EAST 500 SOUTH IN THE R1-8 (SINGLE FAMILY RESIDENTIAL, 8,000 SQ. FT. LOT AREA) ZONE. STRING TOWN NEIGHBORHOOD

After Mayor Daniels read this item, Supervisor Young said this is a request for approval of a twin home conditional use permit and final plat proposal from applicant Mr. Robert Jones. The location is at 421 East 500 South in the R1-8 zone. The acreage is .39 acres.

The subject property is currently one lot, with the house fronting onto 500 South. The size of the lot is sufficient for the lot to subdivide, creating a second building lot. However, the location of the house makes it impossible to subdivide the property into two single-family unit parcels. After meeting with the Design Review Committee (DRC), the applicant decided to pursue subdividing the property as a twin home development; which is an approved conditional use in the R-1 zones. Section 10-15-32A reads as follows: Conditional use; Permitted zones: Twin home development shall be allowed as conditional uses in the residential zones, as long as the lot size, setbacks, and frontage requirements for each unit have been satisfied. On June 14, 2007 the Planning Commission approved the twin home conditional use request by Robert Jones.

Supervisor Young explained that two family dwellings are a conditional use in the R1-8 zone. A twin home development is required to comply with all the requirements as stated in section 10-15-32 of the Pleasant Grove City Code. Staff has reviewed the requirements for a twin home

development and determined that the subject property is in compliance with the requirements of section 10-15-32.

The proposed subdivision is a two-lot twin home subdivision with lot #1 fronting 500 South and lot #2 fronting 400 East. Because the property is a corner lot with each unit fronting a different street, the development will have the appearance of a single-family unit rather than that of a duplex. The applicant has also agreed to plant two evergreens along 500 South to further buffer the twin home from the street.

The engineering department has reviewed the final plat and recommended approval. Additionally, on June 14, 2007, the Planning Commission reviewed the request of Robert Jones and approved the twin home conditional use and the RPJ Subdivision preliminary plat.

Mayor Daniels asked if there were any comments or questions. Council Member Meacham asked if the applicant was present. A gentleman (who did not give his name) said he was representing his father, the applicant. Mayor Daniels then asked for a motion.

ACTION: Council Member Boyd moved to approve the request of Robert Jones' request for final plat approval of a 2-lot subdivision and twin home development to be called the RPJ Subdivision for property located at approximately 421 East 500 South in the R1-8 (Single Family Residential, 8,000 sq. ft. lot area) zone including the following conditions; 1. That all the requirements for a twin home development are met; 2. That all final Engineering requirements are met prior to the recording of the final plat. Also, based on the following findings; 1. That twin homes are a conditional use in the R1-8 zone; 2. That the subdivision meets the requirements for a twin home development as stated in section 10-15-32 of the Pleasant Grove City Code; 3. That the subdivision complies with the goals, policies and objectives of the General Plan. Council Member Meacham seconded and the motion passed unanimously by voice votes with Council Members Atwood, Jensen, Boyd and Meacham voting, "Aye."

H. TO CONSIDER JAMES HANCOCK'S REQUEST FOR FINAL PLAT APPROVAL OF A 2-LOT SUBDIVISION TO BE CALLED AUTUMN GROVE SUBDIVISION, PLAT "B," LOCATED APPROX. 1180 NORTH 930 WEST, IN THE R1-10 (SINGLE-FAMILY RESIDENTIAL, 10,000 SQ. FT. LOT AREA) ZONE. (CITY COUNCIL HAD CONTINUED THE ITEM FROM THE JULY 17, 2007 COUNCIL MEETING). NORTH FIELDS NEIGHBORHOOD

Supervisor Young explained that this was a request from applicant James Hancock for a final plat proposal called Autumn Grove Subdivision Plat "B." The address is approximately 1180 North and 930 West in the R1-10 Single Family Residential Zone. The acreage is 1.94 acres.

In explaining the background of this item, Supervisor Young said that on July 17, 2007, the Council got their first look at this final plat proposal. The motion was made to continue the item until the Council's concerns regarding the possible double frontage of lot #1, were addressed by the Planning Commission. Staff has complied with Council's request, and on July 26, 2007 Staff presented the proposal to the Commission. He said that the Commission and Staff felt that the item was now ready to come before the Council once again.

On July 26, 2007 the Planning Commission reviewed the subdivision plat once more to address any and all concerns with the issue of double frontage. The Commission believes that there is not a concern here, because any future development of the subject property and the Hullinger property to the east will dissolve any existing double frontage. This analysis is supported by the Vicinity Plan. Until then, the applicant has agreed to install a solid fence along the south side of the 1180 North right-of-way (ROW), which includes a gate, so the existing landowner may still access the rear portion of his property. The motion was made to approve including the condition of the fence, and the vote was unanimous.

Main access to the subdivision will branch off 990 West and become 1180 North, and lead into the subject property. This portion of the road will be to the full ROW width of 56 with improvements to 1180 North extending the length of the new lot #2. Lot #1 shall remain under the ownership of the Wignalls who will maintain access off 1100 North.

The existing Wignall parcel is long and deep, and the applicant has worked out an arrangement with the owner to develop one lot; however, the Wignalls do not wish to separate the north half from the south half for taxing purposes. The applicant has designed the new subdivision to allow a narrow connection between the north and south portions of the Wignall property on the east side of lot #2. The Wignalls have put in writing that they are willing to dedicate the remaining portion of the 1180 North roadway for when the Hullinger property is ready to develop. The City has obtained this signed agreement, and it is transferable if the Wignalls sell the remaining property.

With permission of the lot owner, JUB Engineering has recommended a temporary asphalt turnaround be installed in the southeast corner of lot #9 in the Honey Subdivision. JUB Engineering has no other concerns at this time. The General Plan calls for Low Density Residential on the subject property. The proposal complies with the General Land Use Map. The subject property is zoned R1-10. Both lots meet the standard lot size, lot width and frontage for the zone. The necessary improvements are proposed to be installed along the width of the new lot for both sides of the road.

Staff is comfortable with the signed agreement from the Wignalls to dedicate the additional future roadway when the Hullinger property developers. Also, Staff does not believe there is a significant concern with regard to the double frontage question, because the Vicinity Plan for the area shows that there is little to no chance of permanency to this design. Double frontage is not illegal, it is just not preferred and it must be regulated. Having said that, Staff and the Commission believe this is an acceptable case, because the design is following an overall Vicinity Plan for the area. The Vicinity Plan shows that when full development of the Wignall property occurs, along with the adjacent property, the concern with double frontage will dissolve. Additionally, Staff feels is much more desirable to the City than having another possible Flag Lot, which is what would occur if 1180 North was not going through.

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

ACTION: Council Member Boyd moved to approve James Hancock's request for final plat approval of a 2-lot subdivision to be called Autumn Grove Subdivision, Plat "B," located approx. 1180 North 930 West, in the R1-10 (Single-Family Residential, 10,000 sq. ft. lot area) zone including the following conditions; 1. That a minimum 6' tall solid fence is to be installed along

the south side of the 1180 North ROW to the Hullinger property, with a gate to allow for the Wignalls to access the north portion of their property; 2. Planning, Engineering, and Fire Department requirements are met prior to recording the Final Plat. Additionally, based on the following findings; 1. The proposed subdivision complies with the R1-10 Zoning ordinance; 2. The City is obtaining the necessary ROW and improvements; 3. A turnaround for large vehicles has been supplied; 4. The Planning Commission has approved the Plat; 5. The concern with double frontage on lot #1 has been addressed by the Commission and was included in the motion to approve the Plat. Council Member Jensen seconded and the motion passed with Council Members Jensen, Boyd and Meacham voting “Aye,” and Council Member Atwood voting ,”Nay.”

I. TO CONSIDER A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A LETTER OF SUPPORT FOR THE PROVO RESERVOIR (MURDOCK CANAL) TITLE TRANSFER FROM THE FEDERAL GOVERNMENT TO THE PROVO RIVER WATER USERS' ASSOCIATION.

Supervisor Giles said this is the first step in an agreement that will lead to a title transfer of the trail along the Murdock Canal to the City from Provo River Water Users' Association. Administrator Mills said that this should have come through, but there seemed to be on-going discussions blocking the project proceeding on. He said the support of the cities in the area are essential to the progression of the transfer.

ACTION: Council Member Boyd moved to approve Resolution No. 2007-035, to consider a Resolution authorizing the Mayor to sign a letter of support for the Provo Reservoir (Murdock Canal) Title Transfer from the Federal Government to the Provo River Water Users' Association. Council Member Jensen seconded and the motion passed unanimously by voice votes with Council Members Atwood, Jensen, Boyd and Meacham voting, “Aye.”

J. TO CONSIDER APPROVAL OF A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN ASSESSMENT AGREEMENT RELATED TO THE FOX HOLLOW GOLF COURSE BOND ISSUE.

Attorney Petersen explained that the City is in the process of assisting the Tri-City Golf Course Association (TCIA) with capital improvements on the Fox Hollow Golf Course irrigation system and new clubhouse. The TCIA will be issuing Revenue Bonds to pay for the improvements. Bond counsel has said that the three cities need to secure the bond payment by pledging a portion of their tax revenues (sales and/or franchise taxes). This assessment agreement provides for the security that bond counsel is looking for.

Mayor Daniels said that he understood that after three years, the golf course would be making their own payments on the bond.

Council Member Jensen then asked Attorney Petersen how it would impact the payment of bills if an impasse continued—as in item ‘k’ being taken off the agenda for the evening. Attorney Petersen said that was a good question. She said a meeting with the other two cities would need to be scheduled so the ground lease agreement could be worked out. She said that this item was one half of what was needed to push the bonds through so that payments could be made. Mayor

Daniels added that American Fork officials were currently having problems with the ground lease agreement, in particular.

ACTION: Council Member Jensen moved to approve Resolution No. 2007-036, authorizing the Mayor to sign an Assessment Agreement related to the Fox Hollow Golf Course Bond issue. Council Member Boyd seconded and the motion passed unanimously by voice votes with Council Members Atwood, Jensen, Boyd and Meacham voting, "Aye."

K. TO CONSIDER APPROVAL OF A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A GROUND LEASE AGREEMENT FOR THE FOX HOLLOW GOLF COURSE.

This item was removed from the agenda.

L. TO CONSIDER AN ORDINANCE AMENDING SECTION 8-8-35, "SCHEDULE OF USE," MAKING IT UNLAWFUL TO VIOLATE THE WATERING SCHEDULE SET FOR THE PRESSURIZED IRRIGATION SYSTEM.

Following Mayor Daniels reading this item, Attorney Petersen said that there had been a problem with people violating the watering schedule that had been set up by Director Walker. She said that the City needed to have something with, "teeth," in the form of a ticket or citation for offenders.

Council Member Meacham asked if the watering schedule was forever or just for this year. Attorney Petersen said that it was a year-to-year decision depending on several factors. She added that the schedule was set up for the pressurized (secondary) water system.

ACTION: Council Member Jensen moved to approve Ordinance No. 2007-33, amending section 8-8-35, "Schedule of Use," making it unlawful to violate the watering schedule set for the pressurized irrigation system. Council Member Boyd seconded and the motion passed unanimously by voice votes with Council Members Atwood, Jensen, Boyd and Meacham voting, "Aye."

M. TO CONSIDER APPROVAL OF EMERGENCY CONSTRUCTION CONTRACT FOR COMPLETION OF WORK ON MAHOGANY PARK STORM DETENTION DRAIN BASIN PROJECT.

Director Giles indicated that there was a pressing problem with the Mahogany Park retention basin due to the delays with the school district having Questar lower their gas line so that construction could begin on the park. He said that the storm drain needed to be completed immediately, or debris would be going down the storm drain system, causing problems. He noted that there was concrete work and hydro seeding of the area to be completed before winter so there wouldn't be damage from high water, also.

Attorney Petersen said the most pressing issue was that there would probably be damage to the City's storm drain system if the project wasn't completed prior to winter. Director Giles said they are shooting for completion by September 23, 2007. Administrator Mills said the monies for

the project will come out of impact fees from the Parks Department. After further discussion, Mayor Daniels asked for a motion.

ACTION: Council Member Jensen moved to approve an emergency construction contract in the amount of \$151,155 for completion of work on Mahogany Park Storm Detention Drain Basin Project. Council Member Boyd seconded and the motion passed unanimously with voice votes from Council Members Atwood, Jensen, Boyd and Meacham voting, "Aye."

8. STAFF BUSINESS

- Supervisor Young said that the third table had arrived for the Staff to set at during Council meetings. Additionally, he said there were currently two projects in the works at Community Development with the newly initiated Fast Track program. He said those projects were the University of Phoenix and The Gateway Center. Construction on the two projects is slated to begin in September, 2007.
- Director Walker said the work was almost completed on the railroad track portion of Center Street. Mayor Daniels told Director Walker that he had received a note complimenting the City on their crews and the hard work they have gone through to install the secondary water system throughout the City.
- Chief Paul announced that Detective Jeff Wilson would be soon retiring from the City after 23 years of service. He said Detective Wilson had accepted a position with Associated Foods.
- Attorney Petersen informed the Mayor and Council that Waste Management had reported their rates for recycling. She said there is a \$5 a month mandatory fee per household. There would then be an additional \$1.25 cart fee. Also, she said they would be picking up recycling in the City everyday—and they are not negotiable with this schedule.

Council Member Jensen said he felt the large garbage cans were not necessary for most families for recycling. Attorney Petersen said that this is the way this company handles recycling. She went on to say that they take it to a location to be sorted.

Administrator Mills said that he found that when the recycling is picked up every other week in other cities, that those large cans are generally full.

Attorney Petersen said the issue of recycling can be on the ballot as an opinion item. Administrator Mills said that the monies to pay for the containers would be figured into the monthly fees. Attorney Petersen said an information campaign would need to be put together if it was going on the ballot in November. Administrator Mills said that there were groups at the Jr. and Sr. High Schools that wanted to be involved in the recycling effort.

Mayor Daniels suggested that since Council Member Jensen had previously lived in five different areas that had recycling, he would like him to look into what was available and bring back some advice for the Council. Council Member Jensen said he would look into the matter in this area and report back to the Council at the September 25, 2007 work session.

Attorney Petersen addressed her second item to the Council. She said that two residents had inquired about boundary adjusting into Cedar Hills. She said they are not developers. She asked what the Council felt about boundary adjustments in this area. With this said, she reminded the Mayor and Council that a few years previously, the Council had made a motion several years previously that they would not take on “one-offs” until they finalized an agreement with Cedar Hills. Council Member Atwood said he was still in favor of that line of reasoning.

She said there were three different ways that could handle these types of requests. First, she said a master boundary line could be agreed upon by the two Cities. Second, would be do to nothing and the third, on a case by case basis. Council Member Atwood said drawing new boundary lines seems to be a continual hornet’s nest.

After further discussion, Attorney Petersen explained that the residents can file for a disconnection and the County will look at the request and make a recommendation. She said this puts the burden on the petitioner and they have the burden of proof. Mayor Daniels then asked Attorney Petersen if she would write up another resolution to the one that prohibits the Council looking at case by case presentations.

Administrator Mills then reminded everyone that the process consists of two steps. He said that residents need to be aware that even if Pleasant Grove said they can disconnect, there are more steps with the County and Cedar Hills to be completed.

- Administrator Mills reminded everyone that the City Party will be next week on Tuesday, August 14, 2007 at 5:30 p.m. at the Veteran’s Memorial Park. He also said there would be a golf tournament held at Fox Hollow Golf Course for City Employees on Friday, August 17, 2007 at 1 p.m. He asked anyone that planned to play to RSVP to him soon.

He next told the Mayor and Council that he had received a letter from the State Auditor accepting the City’s budget for this year.

9. MAYOR AND COUNCIL BUSINESS

- Council Member Jensen noted that the irrigation was nearing completion at Fox Hollow Golf Course. He also said the old clubhouse was scheduled for demolition the following week. He observed that the new irrigation system had really breathed new life into the greens on the course. Additionally, he said the new clubhouse should be completed in approximately 10 months or by March of 2008.
- Mayor Daniels said that the ground breaking for the new recreation center was a success. He said that the newspapers had carried articles on the event. He added that the City was having the Hammon’s groundbreaking on August 24, 2007, as well as other upcoming groundbreaking ceremonies. Governor Huntsman, amongst other dignitaries, were slated to be in attendance.

10. SIGNING OF PLATS

No plats were signed

11. REVIEW CALENDAR

Mayor Daniels reminded those present that the next work session previously scheduled on August 14, 2007 would be cancelled due to the City Party.

12. APPROVE PURCHASE ORDERS

Council Member Jensen asked Director Giles if \$30,000 seemed a bit high for chemicals for the pool. Director Giles said that is a one-time (for the summer) payment that is made.

ACTION: Council Member Jensen moved to approve the purchase orders. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Jensen, Boyd, and Meacham voting "Aye."

13. ADJOURN: At 8:49 p.m. Council Member Jensen moved to adjourn the meeting. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Jensen, Boyd and Meacham voting, "Aye."

This certifies that the City Council
Minutes of August 7, 2007 are a
true, full and correct copy as approved
by the City Council on August 21, 2007

Signed _____
Mary Burgin, Deputy Recorder