

Pleasant Grove City Council Minutes
April 3, 2007
7:00 p.m.

ATTENDING:

Mayor:

Mike Daniels

City Council Members:

Cindy Boyd

Darold McDade

Mark Atwood

Lee Jensen

Bruce Call

City Recorder:

Amanda R. Fraughton

Deputy Recorder:

Mary Burgin

Others:

Frank Mills, City Administrator

Gary Clay, Finance Director

Tina Petersen, City Attorney

Tom Paul, Police Chief

Marc Sanderson, Fire/EMS Chief

Lynn Walker, Public Works Director

Deon Giles, Leisure Services Director

Ken Young, Supervisor of Community Development

Richard Bradford, Economic Development Director

Karen Bezzant, City Treasurer

Sean Allen, City Planner

Libby Flegal, NAB Chair

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

Council Member Atwood welcomed everyone to the meeting. He said he was temporarily filling in as Mayor Daniels and Mayor Pro Tem McDade would be slightly late arriving at the meeting.

1. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given by Administrator Mills.

2. OPENING REMARKS

The Opening Remarks were given by Council Member Jensen.

3. APPROVAL OF MEETING'S AGENDA

Council Member Atwood asked if there were any comments from the Council regarding the meeting's agenda. There were none. He then asked for a motion.

ACTION: Council Member Boyd moved to approve the evening's agenda. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Call, Jensen and Atwood voting, "Aye."

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

1. Minute Review and Approval:
City Council Minutes for March 20, 2007
2. Work Session Minutes for March 27, 2007
3. To consider approval of Payment No. 8 to Absolute Constructors for the Pressure Irrigation Storage Tank Schedule-4A Project.
4. To consider approval of Partial Payment No. 1 to PEC. Inc for the Pleasant Grove 2006 Sewer Rehabilitation Project.
5. To consider approval of paid vouchers (March 25, 2007)

ACTION: Council Member Jensen moved to approve the Consent Agenda items as listed. Council Member Call seconded and the motion passed unanimously with Council Members Boyd, Call, Atwood and Jensen voting, "Aye."

5. OPEN SESSION

Council Member Atwood explained that anyone that wanted to come forward and address a subject which was not on the evening's agenda was encouraged to do so. A resident asked if an item was on the agenda, but was not a public hearing, could he stand and voice an opinion at the time the agenda items come up. Council Member Atwood asked the Council if that would be okay with them, and they said it would be okay.

6. NEIGHBORHOOD ADVISORY BOARD REPORT

Neighborhood Chair Libby Flegal said she didn't have any current news for the Council.

7. BUSINESS

ITEM A: PRESENTATION TO MILDRED SUTCH FOR HER YEARS OF SERVICE AS THE HISTORICAL PRESERVATION COMMISSION CHAIR.

Council Member Atwood read this item. Director Giles then came forward and said a letter had been submitted by Mrs. Beth Olsen of the Historical Commission. Council Member Atwood then said that he would like to read the letter, as follows:

Mildred Sutch---

Her service on the Historic Commission

Mildred Sutch followed in the footsteps of two others who had gone before her since 1984, when the Certified Local Government (CLG) was commissioned by Pleasant Grove City Council to preserve the town's history. She was given chair of the CLG in June 1992, and served until February 2007, serving the city in that capacity nearly fifteen years.

During that period the CLG, under her leadership, completed many projects that have preserved and made citizens aware of the valuable history of the town and the people who made that history.

One of the projects was to give encouragement to the City Council to proclaim each May as History Month. Historic plaques were presented in the City Council meeting to those who owned historic properties. In 1999, thirteen plaques were presented to owners of historic properties. In other years, smaller numbers were also presented.

Mildred took over the chair position of the Commission from Richard L. Hansen, who had initiated the moving of the Jeppa Nelson granary. This was an endangered building on 1100 North, and was an excellent example of one of the important farm buildings every farmer in town had owned during the "Hay-Day" years of the farming community. Under Mildred's supervision, this granary was moved to Pioneer Park by UDOT.

Bus Tours of the town were offered by the Commission on Heritage Days. Many citizens enjoyed the narrations of Pleasant Grove City history while viewing those sites.

She saved the winter sheep corral from destruction by the Block 4 building project by directing the move of that corral to the Pioneer Park in 1998. She was assisted by the Youth Council and LDS Church groups as well as several individuals. In connection with the Block 4 building project, Mildred directed the Commission in writing up and having plaques made and placed on the promenade. These plaques tell of the history of the area surrounding the building project.

The Downtown Main Street Rehabilitation project was accomplished with an RDA grant which Mildred applied for. Following that project, she had the historic clock on the corner of Main and Center refurbished in 2001.

Mildred also worked in conjunction with the firemen, who restored the original fire house and set it in Pioneer Park. This was a wonderful addition to the park. Additionally, the fast-disappearing barns of the fast-disappearing farms have been carefully documented.

One of the most prized historic buildings, the Old Bell School, is the oldest standing school in Utah. It has had several rehabilitation projects performed on it, which were made possible by historical grants which Mildred applied for and received. These were

matching grants, which have been made possible due to the City officials who have cared enough about the City's history to provide the matching grant monies.

Mildred has also been supportive of several Boy Scout projects that have placed plaques throughout the community. These have documented areas of importance and significance to our City's history.

Under her guidance, the CLG published the beautiful "Historic Architecture & Sites of Pleasant Grove." This is a walking tour booklet, which received financial backing from the City.

Because of these and other restoration and history-related projects, in 2004 Pleasant Grove received the prestigious National Preserve America Award, which is one of the first in Utah: and one of the very few in the nation to receive this recognition. This award has put Pleasant Grove on the history map of the United States.

An in-depth, comprehensive, 150 years of Pleasant Grove history that has been in the research and writing stages for fourteen years is now nearing completion. Hopefully, this history will be published this year, with the financial backing of the City Fathers. We are grateful for the support of the City in this and all our projects; which aim towards preserving the character of this City.

We, as Commission members, as well as members of the City Council, appreciate the time Mildred has spent in applying for grants and accomplishing all of the above. One of those grants went for badly needed restoration work on the soft-rock city hall, which we all prize. Last but not least, is the significant discovery and recovery of the first log cabin built in the north part of Utah County. It is the first cabin built in Pleasant Grove settlement. We appreciate Mildred's dedicated interest in preserving the historic values of this community.

(Please Note: Mayor Daniels arrived at 7:07 p.m.)

Mayor Daniels then came forward and presented Mrs. Sutch with a plaque which expressed the City's thanks for her long years of service to the community. He then commented that, "Mildred's touch has touched all of us." He went on to say that she is a wonderful woman that will be deeply missed as a member of the Historical Commission.

ITEM B: TO PROCLAIM APRIL 28, 2007, AS ARBOR DAY

Mayor Daniels read the following proclamation:

**Proclamation
"Arbor Day"
April 28, 2007**

WHEREAS, Arbor Day is observed throughout the nation; and
WHEREAS, trees provide beauty to the community; and
WHEREAS, trees provide valuable shade from the hot summer sun; and

WHEREAS, trees can reduce the erosion of topsoil and produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are valuable in purifying the air in Utah's arid climate; and

WHEREAS, having beautiful trees planted in the community is an important matter to the citizens; and

WHEREAS, the city was named "Pleasant Grove" because of a beautiful grove of trees and reflects the appreciation our forefathers had for them.

WHEREAS, Pleasant Grove is known as The Utah City of Trees.

NOW, THEREFORE, I, Michael W. Daniels, Mayor of Pleasant Grove City, on behalf of the City Council, do hereby proclaim that the citizens observe April 28, 2007, as **Arbor Day**, by joining the Beautification Commission at the Downtown Park at 8 a.m. for a tree planting ceremony and, further urge everyone to plant a tree.

DATE: April 3, 2007

Next, Director Giles informed the Mayor and Council that he had received a letter from The National Arbor Day Foundation, naming Pleasant Grove City a Tree City USA for the eleventh year in a row. He then read the letter from the foundation:

The Tree City USA Program is sponsored by the National Arbor Day Foundation in cooperation with the National Association of State Foresters and the USDA Forest Service.

Pleasant Grove has met the four standards to become a Tree City USA community: a tree board or department, a tree care ordinance, a comprehensive community forestry program and an Arbor Day observance.

"Trees in our cities and towns help clean the air, conserve soil and water, moderate temperature and bring nature into our daily lives," said John Rosenow, president of the National Arbor Day Foundation. "Tree City USA designation recognizes the work of elected officials, staff and citizens who plant and care for the community forest."

Trees are a vital component of the infrastructure in our cities and towns, and provide environmental and economical benefits," Arbor Day Foundation President Rosenow added. "A community, and its citizens, that recognize these benefits and provide needed care for its trees deserves recognition and thanks."

The Mayor noted that the City being deemed a Tree City USA honor another year was proof that Director Giles, his crews and the Beautification Commission has helped to identify the city with renewal and improvement. He said that he hoped the City residents not only come down to Downtown Park that morning, but also plant additional trees on their property.

Mayor Daniels asked if the Council had any questions. There were none. He then asked for a motion.

ACTION: Council Member Call moved to proclaim April 28, 2007, as Arbor Day. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, McDade, Call, Atwood and Jensen voting, "Aye."

ITEM C: PUBLIC HEARING REGARDING THE REQUEST OF DAVID BRAGONJE, THE SOLE PROPRIETOR OF BRAGONJE, LLC, TO DISCONNECT FROM PLEASANT GROVE CITY. SAID PROPERTY IS LOCATED AT APPROX. 816 WEST 4000 NORTH PLEASANT GROVE CITY (COUNTY ADDRESS: 3964 WEST 9600 NORTH). WITHIN 45 CALENDAR DAYS OF THE HEARING, THE MUNICIPAL BODY SHALL MEET TO DETERMINE WHETHER TO GRANT THE REQUEST FOR DISCONNECTION. A DECISION MAY BE MADE AT THE HEARING. AT THE PUBLIC HEARING, ANY PERSON MAY SPEAK AND SUBMIT DOCUMENTS REGARDING THE DISCONNECTION PROPOSAL

After Mayor Daniels read this item, Supervisor Young came forward and explained that Mr. David Bragonje, 816 West 4000 North, was requesting of the Council the ability to disconnect .866 acres from Pleasant Grove City.

The applicant is requesting that the identified property be disconnected from Pleasant Grove City. Supervisor Young said Staff understands that the applicant desires to seek annexation of these properties into Cedar Hills following a successful disconnection with Pleasant Grove. The subject property is currently within the area of discussion for possible boundary adjustments between Cedar Hills and Pleasant Grove City.

The Pleasant Grove City General Plan designation in this area is Agriculture. The intent of development in this area has been to focus on large lots with animal rights. A recommendation in the new updated General Plan is being prepared which would designate the area for Very Low Density Residential development.

The current zoning on the property is RR, which allows a minimum of ½ acre lot size and provides for animal rights. The lot is unable to be split under Pleasant Grove zoning. The potential zoning in Cedar Hills for this area would allow the lot to be split.

Last year, Engineer John Schiess prepared a review and a map for proposed service areas between Cedar Hills and Pleasant Grove. Although the two cities continue to meet to resolve this issue, and an agreement for service area boundaries has not yet been finalized, the current proposed map represents Pleasant Grove City's best determination to date regarding utility service provision in the area. On this map, the Bragonje property falls within the Pleasant Grove City service area.

In evaluating the disconnect petition, the Utah County's Surveyor's Office has identified two problem areas, which they noted should cause the petition to be rejected: 1. An island of unincorporated territory would be created by the disconnect, which is prohibited by State Code. 2. The County is not capable of providing municipal services to the area in a cost-effective manner.

The County recommends that if the City is inclined to grant the disconnection, then it should be contingent upon the contemporaneous annexation of the Bragonje property into Cedar Hills, or that the two cities perform a boundary adjustment to accomplish the same goal.

Supervisor Young next indicated that Staff recommended that the City Council deny the Bragonje Disconnect Petition for .866 acres, located at 816 West 4000 North, based on the following findings: 1. The identified disconnect property is within the area currently being reviewed by the cities of Pleasant Grove and Cedar Hills for possible boundary adjustments, and its boundary status should be determined through that process. 2. The Pleasant Grove City Utilities Engineer has recommended that the identified disconnect property is best serviced by Pleasant Grove City. 3. The Utah County Surveyor's Office has identified two problems with the proposed plat: 1) The proposal creates an island of unincorporated territory, and 2) the County is not capable of providing municipal services to the area in a cost-effective manner.

Attorney Petersen then came forward and addressed the Mayor and Council. She noted that a neighbor of Mr. Bragonje, Mr. Hullinger, had submitted a petition to Pleasant Grove City. The petition was to register their protest against Mr. Bragonje's request to disconnect.

She then explained that as Supervisor Young had explained, if Mr. Bragonje's property was disconnected, it would create an island. Also, the Pleasant Grove sewer line was within 300 feet of his property. She said she also doubted that his property was within Cedar Hills' Annexation Declaration Policy Plan Area. The neighbors are also opposing the disconnection due to the fact that his property, if annexed into Cedar Hills, could contain smaller lots.

Mayor Daniels asked the Council if they had any questions for Staff. There were none. He then opened the discussion to a public hearing and invited anyone to come up and address the Council.

Mr. David Bragonje then came forward. He observed that he felt some of the presentation that had just taken place was inaccurate. He said Cedar Hills City had expressed their interest in annexing him into their city. He also noted that Cedar Hills officials have told him that they would like to annex the whole area to the canal, which they consider a natural boundary between Pleasant Grove and Cedar Hills.

In reference to the petition that Attorney Petersen had spoken of, he said he had gone around to most of his immediate neighbors, and they were all for his proposed disconnection. Also, in regards to the sewer, he said the Cedar Hills sewer goes right by his street on 4000 West. He also said if he could be in Cedar Hills and split his property into more lots, it would be a good move on his part, due to the current high expense of property in that area. Mr. Bragonje also indicated that the area around him didn't need that large of lots because the area is, "not a farming community."

Mr. Bragonje then went on to say that in his discussion with Mr. Moore at Utah County, he found that if Pleasant Grove would allow him to disconnect, the County would not object. He said he would like to be able to do the same kind of thing as Mr. Eric Johnson, who was allowed to disconnect. Also, he noted that he didn't feel he could afford to run the sewer from 4000 North. He then asked the Mayor and Council about their feeling concerning the area his property was in. Mayor Daniels said that negotiations were in process with Cedar Hills, and he wouldn't actually be able to answer that question at this time. The Mayor then noted that a meeting on April 24, 2007 at Deerfield elementary in Cedar Hills would address that question.

Next, Mr. Don Wadley came forward. Mr. Wadley said he had property near Mr. Bragonje. He noted that he felt that Mr. Bragonje was oversimplifying the issue of his disconnection and the effect it would have on adjoining properties. He went on to explain that there are a lot of problems with storm water containment along 4000 North that Cedar Hills has not been addressing. He said he felt that staying in Pleasant Grove would be important for the neighbors in that area for a variety of reasons.

Mr. Trent Thayne then addressed the Mayor and Council. He said he wondered why Mr. Bragonje purchased the property if he knew it would have to be developed into no smaller than one half acre lots. Also, he told Mr. Bragonje that he was currently developing his property near Mr. Bragonje and he was installing a Pleasant Grove sewer line which Mr. Bragonje could also use and he could pay is portion. It would be cheaper than running the sewer by himself. He invited Mr. Bragonje to join with him in that cost.

Mayor Daniels asked if there were anymore comments. There were none. He then closed the public hearing and brought the discussion up to the Council.

Council Member Boyd said she would like to address a lot that Mr. Bragonje had eluded to as being one half acre. She said the lot was actually one acre, and had a home on that lot that had been built in 1890. Also, she said that most of the properties in the area have animal rights. She said she would like to see the area to stay low density. This subject, she said, seems to come up every three to four years and is discussed almost as much as the density in the Grove and the Historic Downtown. She indicated that the residents in that area have a strong desire to keep the integrity and current environment of the area.

Mayor Daniels then asked the Council's opinion—as to whether action should be taken at the current meeting, or if they would like to wait for 45 days. The Council Members said they would like to take action at the current meeting.

Mayor Daniels then went on to explain that he felt the Council had been badgered with request after request with one lot at a time wanting to go into Cedar Hills. He said his observation that these requests have been driven by financial gain from a possible density increase and has cost precious tax dollars. Also, he said he has noticed that people have purchased the property not to necessarily build homes for themselves, but to profit from development. While he said he agrees with free enterprise, he also feels that the Council is to address problems and base their decisions on what is in the best interest of the

citizens. However, The Mayor said he is concerned about the individual requests that continue to come in that require countless hours of both the City and County personnel doing research and preparing reports. He said the current work completed by both engineers from Pleasant Grove and Cedar Hills contains facts and figures as to where residents in that area should go according to their reports. He said their findings are not based in anyway upon financial gain to residents, but upon providing an infrastructure to property owners. Residents in the effected area, the Mayor said, will be receiving letters regarding a public hearing later in April.

In 1991, Mayor Daniels recalled an incident he observed while standing on a hillside and watching residents come to blows regarding which city they belonged in—Pleasant Grove or Cedar Hills. He also stated that former City administrations finally grew weary of the fight and just said that residents in the area could choose which community they wanted to be in. Unfortunately, the Mayor said this has caused some of the headaches in that area. He also said that this Council and he have gone on record several times supporting low density in that area.

Council Member McDade then said he felt that Council Member Boyd, being a resident of that area, should recuse her from the current discussion. He said because an ordinance was being decided upon, which is statutory, she should not be part of the decision. Council Member Boyd said she sought legal council regarding her participation, and was told she did not need to recuse herself from discussing or voting on the item.

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

ACTION: Council Member Jensen moved to deny the request of David Bragonje with Ordinance No. 2006-16, sole proprietor of Bragonje, LLC, to disconnect from Pleasant Grove City. Said property is located at approx. 816 West 4000 North Pleasant Grove City (county address: 3964 West 9600 North). A public hearing was held. Council Member Call seconded and the motion passed unanimously by voice votes with Council Members Boyd, Call, McDade, Atwood and Jensen voting, “Aye.”

ITEM D. PUBLIC HEARING TO CONSIDER DALACO, LLC’S REQUEST TO VACATE LOT 5 OF THE SUMNER ACRES SUBDIVISION, PLAT “A,” AND TO CREATE A 23-LOT SUBDIVISION KNOWN AS SUN RIDGE ESTATES, PLAT “A,” LOCATED AT APPROX. 500 EAST 1100 NORTH, IN THE R1-10 (SINGLE FAMILY RESIDENTIAL, 10,000 SQ. FT. LOT AREA) ZONE. BIG SPRINGS NEIGHBORHOOD

Following Mayor Daniels reading this item, Planner Allen came forward to report to the Council on this item. DALACO LLC, was requesting the vacating of Lot 5 of the Sumner Acres Subdivision, Plat “A,” and to create a 23-lot subdivision known as Sun Ridge Estates, Plat “A”, located at Approximately 580 East 1100 North, in the R1-10 zone. The acreage includes 8.51-acres.

The applicant, said Planner Allen, was requesting to subdivide his property into a 23-lot development in the R1-10/Single-Family residential zone, located approximately 500 East 1100 North, along the west side of the Murdock Canal. The subject property underwent a zone change, intended to meet the design for this development, which was approved by City Council on October 17, 2006.

The Sun Ridge Plat illustrates a City standard (56' ROW) running through the heart of the subject property connecting to 1100 North at approximately 580 East and looping around to connect with 500 East at approximately 1200 North. About halfway through the proposed development, a stub road is illustrated, to allow for the future development of the property to the southwest. A "Vicinity Plan" showing the potential/future layout of the property, if developed, and is provided for reference with the Plat. The scenario assumes that the existing homes would remain, but gives each landowner the potential option to subdivide their property.

The subject property falls within the Low Density Residential Zoning District. The proposal complies with the intended land use in this area for a single-family residential development, which allows for a development to have a density up to four (4) lots per acre. The density of this subdivision proposal is 3.42 lots per acre.

The proposal meets the conditions and restrictions of the R1-10/single-family residential zone, and meets all supplementary requirements. The net density for the proposal is 3.42 lots per-acre, well under the maximum density allowed for the area. There is some concern that there needs to be some retaining for the rear of lots 10-16, adjacent to the canal, to prevent any future deterioration from the bank. The applicant is to provide a letter to JUB Engineering, from a Geotechnical Engineer, providing detailed recommendations of slope stabilization along the rear of lots 10-16, adjacent to the canal. This note has been included on the final plans.

He indicated that there is a significant difference in grade between 500 East and the existing grade of where proposed lots 1 and 6 are located, and where the proposed 1200 North connects to 500 East. It is anticipated that the 1200 North will cut into this higher area to help level the grade of the road, leaving the proposed lots sitting higher. For reasons of safety and to comply with development requirements the applicant has agreed to install a retaining wall 25' situated back from the corner on lots 1 and 6. This has been labeled as a "clear vision area" on the Final Plat.

The applicant is requesting to remove lot #5 from the existing Sumner Acres Subdivision Plat "A." The applicant would like to include the 2.70-acres as part of a new subdivision proposal called Sun Ridge Estates Plat "A." The area to be vacated (lot 5) allows for the creation of the proposed lots 1-9 of the Sun Ridge Estates Plat, and was included in the rezone proposal for this new development, which was approved by the Council on October 17, 2006.

Vacating lot #5 to the Sun Ridge Estates Subdivision proposal does not appear to have any adverse affects on the existing Sumner Acres Subdivision, or create any

inconsistency with the City's General Plan. JUB Engineering has given their recommendation to approve the Final Plat. The Planning Commission forwarded a positive recommendation to approve both the Sun Ridge Estates Subdivision Plat "A," and the proposed vacating of lot #5 from Sumner Acres Subdivision.

Planner Allen indicated that Staff recommends that the City Council approve the Final Plat proposal for Sun Ridge Estates Subdivision Plat "A," including vacating lot #5 from the Sumner Acres Subdivision; located at 500 East 1100 North, for the applicant Dalaco LLC, with the following conditions; 1. The applicant submits a letter from a Geotechnical Engineer providing a detailed recommendation for proper slope stabilization of the rear of lots 10-16, bordering the canal. If a retaining wall is required, then the applicant is to obtain a building permit from the City. 2. That the 25' area triangle back from the corners of lots 1 & 6 is reserved as a "clear vision area," and a retaining wall is to be installed where these lots meet this clear vision area. 3. That the applicant obtains a demolition permit for all buildings "to be removed," and that all existing accessory structures that end up on a new lot by themselves, are to be immediately removed after the Plat is recorded. 4. All final Engineering & Utility requirements are met, and completed prior to recording. 5. All final Planning and Fire Department requirements are met, and completed prior to recording.

Also, he said the Staff's recommendation was based on the following findings: 1. The proposal meets all the standard requirements for a preliminary plat submittal in the R1-10 zone, and the goals of a Low Density residential development. 2. The proposal has provided a Vicinity Plan that positively illustrates the future layout of adjacent properties, and how they might develop in relation to the proposal. 3. The proposal has been given a recommendation of approval from Engineering. 4. Vacating Lot #5 from Sumner Acres Subdivision to include with the Sun Ridge Estates subdivision proposal does not create any adverse affects to the existing subdivision or deviate from the intent of land use for this area. 5. The Council approved a rezoning of this property, including the area to be vacated.

Council Member Jensen asked if this request was similar to a request recently to move into sensitive lands. Administrator Mills said no, this area was not zoned as a sensitive area, as was the other property he was referring to. Planner Allen added that the City engineers were aware of the developer's plans. Mayor Daniels said the other difference from the other request was that the developer was looking to expand the City's boundaries, also.

Administrator Mills then expressed concern about an overflow irrigation ditch that runs through the property. He said the canal company has the ditch in case of the need for an emergency release—and this ditch will have to be part of a utility easement. Planner Allen said the engineer had addressed the ditch. Mr. Tony Trent (one of the developers) said that the engineer had devised a diversion box that will take the emergency flow down the south side of the property. He said the water will be piped.

Council Member Atwood asked if the canal company would be involved with the fact that the canal occasionally seeps along its banks. He said with homes being built so close to the canal, he wondered if this issue had been addressed. Planner Allen said that the engineers are aware of the closeness of the canal bank and are requiring geo-technical studies are carefully done in that area.

Mayor Daniels then opened the discussion to a public hearing. Mr. Carl Clark came forward and said he is one three landowners of the Sun Ridge Estates. He said Dalaco representatives have been excellent about following the instructions of the City in regard to this development.

Mayor Daniels then closed the public hearing. He then brought the discussion up to the Council's table. Council Member Jensen asked how much footage there was with the project along 1100 North. Mr. Clark said about 300 feet.

Council Member McDade asked Mr. Clark if the zone change was making the lots really small—thereby not respecting the neighbors that wanted nearby lots to remain R1-20. Mr. Clark said he would like the representative from Dalaco to address that question. Mr. Brett Bailey said the lots are actually small because there were several boundary disputes along the border of the property. He said his company went ahead and gave the benefit of the doubt to the neighbors and gave them the properties in dispute. He said that then made the lots smaller, but kept the neighbors happy. Additionally, he said some of the lots were 12,000 sq. ft. But, he said others were larger and actually exceeded the requirement of the R1-10 zone. He also said that the neighbors asked that there not be cul de sacs, so Daalco put the roads all the way through.

At this point, Council Member Atwood told the Mayor and Council that due to the fact that he has neighboring property to the development, he would recuse himself and not be voting on the request of Daalco.

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

ACTION: Council Member Boyd moved to approve Dalaco, LLC's request to vacate lot 5 of the Sumner Acres Subdivision, Plat "A," and to create a 23-lot subdivision known as Sun Ridge Estates, Plat "A," located at approx. 500 East 1100 North, in the R1-10 (Single Family Residential, 10,000 sq. ft. lot area) zone with the conditions; 1. The applicant submits a letter from a Geotechnical Engineer providing a detailed recommendation for proper slope stabilization of the rear of lots 10-16, bordering the canal. If a retaining wall is required, then the applicant is to obtain a building permit from the City. 2. That the 25' area triangle back from the corners of lots 1 & 6 is reserved as a "clear vision area," and a retaining wall is to be installed where these lots meet this clear vision area. 3. That the applicant obtains a demolition permit for all buildings "to be removed," and that all existing accessory structures that end up on a new lot by themselves, are to be immediately removed after the Plat is recorded. 4. All final Engineering & Utility requirements are met, and completed prior to recording. 5. 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 preliminary plat submittal in the R1-10 zone, and the goals of a Low Density residential development. 2. The proposal has provided a Vicinity Plan that positively illustrates the future layout of adjacent properties, and how they might develop in relation to the proposal. 3. The proposal has been given a recommendation of approval from Engineering. 4. Vacating Lot #5 from Sumner Acres Subdivision to include with the Sun Ridge Estates subdivision proposal does not create any adverse affects to the existing subdivision or deviate from the intent of land use for this area. 5. The Council approved a rezoning of this property, including the area to be vacated. A public hearing was held. Council Member Boyd seconded and the motion passed unanimously with voice votes from Council Members Boyd, Call and Jensen voting, "Aye," and Council Member McDade voting, "Nay." (Council Member Atwood recused himself from the vote)

ITEM E. PUBLIC HEARING TO CONSIDER AN ORDINANCE REGARDING DAMON EDWARDS' REQUEST TO REZONE A 1.5 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. 681 WEST 2600 NORTH. NORTH FIELDS NEIGHBORHOOD

Following Mayor Daniels reading this item, Planner Allen came forward and explained that Mr. Damon Edwards was requesting a rezone from R-R/Rural Residential to R1-20/Single-Family Residential on property located at approximately 681 West 2600 North and consisting of 1.50 acres.

In the General Plan, Planner Allen indicated that the land use designation for the subject property is Very Low Density. The applicant's request to rezone to R1-20 complies with this land use designation. The R1-20 zone change request is compatible with a maximum 2-lot per-acre density development, which is consistent with what has already been approved in the surrounding area. Warnick Holman Estates, and Tuscan Farms subdivisions are zoned R1-20, and the property directly west already has the R1-20 zoning designation.

The addition of this property into the applicant's subdivision proposal is integrating well, and providing the City with additional improvements to the area, he noted. The subdivision proposal, to be called Baylie's Bend, has already received their preliminary plat approval from the Planning Commission, on March 22, 2007, including the additional 1.5-acres proposed for rezoning. He added that the Staff recommends The Council's approval of the zone change based on the conditions and findings.

Council Member Call asked about the narrow piece of property to the west of Mr. Edwards' property. Planner Allen indicated that that property owner did not want to sell their property and participate in the development.

Mayor Daniels then opened the discussion to a public hearing.

Mr. Mark Evans then came forward and identified himself as a property owner adjoining Mr. Edwards' property. He said he found the Mayor's comments about developers actions driven sometimes solely by financial benefit applicable to this item. He said that as the zoning downsizes, he is afraid that the animal rights, etc, would be in jeopardy. Mayor Daniels said that the General Plan, which is currently in process, will spell out what zoning will be specified throughout the City. Supervisor Young explained that it is being recommended that the area be specified a Very Low Density designation.

Council Member Atwood then explained to Mr. Evans that he need not worry about his animal rights being taken away. He told him that his animal rights would remain.

Mayor Daniels asked if there were anymore comments from the public. There were none. He then brought the discussion up to the Council.

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

ACTION: Council Member Boyd moved to approve Ordinance No. 2007-17, regarding Damon Edwards' request to rezone a 1.5 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. 681 West 2600 North with the condition that the applicant continues to meet all zoning & ordinance requirements. Also with the findings; 1. The proposed zone change complies with the goals, policies, and objectives of the General Plan. 2. The proposed zone change would further the opportunities for improvements to the area. 3. The proposed zone change is in the interest of the City and public. A public hearing was held. Council Member Call seconded and the motion passed unanimously with voice votes from Council Members Boyd, Call, Atwood, McDade and Jensen voting, "Aye."

ITEM F: PUBLIC HEARING TO CONSIDER AN ORDINANCE REGARDING BP DEVELOPERS' REQUEST TO REZONE A 4.88 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. 1300 WEST 2210 NORTH. NORTH FIELDS NEIGHBORHOOD

Mayor Daniels read this item. Planner Allen then explained this item was a straightforward rezone proposal from R-R/Rural Residential to R1-20/Single-Family Residential by the applicant, BP Builders. The property is located at approximately 2210 North 1300 West and contains 4.80 acres. He said the property comprises two parcels, a 3.267-acre parcel known as Kloey's Cove Subdivision, and a 1.53-acre parcel of property recently obtained by BP Builders, the same developers of subdivision. Kloey's Cove Subdivision received Council approval on December 5, 2006; however, BP Builders would like to now add the recently acquired property to the new subdivision, and have it all be in the same R1-20 zone. He said the original subdivision proposal was forfeited in

favor of the new one with the additional property and the new R1-20 zoning designation, if approved.

The land use designation for the subject property is Very Low Density. The applicant's request to rezone to R1-20 complies with this land use designation. The R1-20 zone change request is compatible with a maximum 2-lot per-acre density development, which is consistent with what has already been approved in the surrounding area. Spring Meadows, and Pack Meadows subdivisions are zoned R1-20, and other properties in the area have this zoning designation. He added that Staff recommends the approval of this item.

Mayor Daniels then opened the discussion to a public hearing.

Mr. Mark Evans came forward and said his property is on the south end of this proposed zone change. He added that he really appreciated the City putting a note on his door apprizing him of the public hearing. Mayor Daniels said that in recent months, Staff was directed to notice surrounding properties with such proposals made by the City.

Mr. Devon Hunt then addressed the Council. He said he had concerns with the ratio of homes vs. setbacks, etc. Mayor Daniels said this item was primarily concerned with zoning. He said concerns about setbacks, etc, can be addressed at a future meeting. He said current building standards will determine setbacks, etc.

Council Member McDade asked if the property owner had agreed to the zone change. A representative from BP Developers said yes, she had come in an signed papers indicating that she agreed to the zone change.

Mayor Daniels then closed the public hearing. He asked the Council if they had any comments or questions. There were none. He then asked for a motion.

ACTION: Council Member Call moved to approve Ordinance No. 2007-13, an Ordinance regarding BP Developers' request to rezone a 4.88 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. 1300 West 2210 North, based on the following conditions: 1. That the applicant continues to meet all zoning & ordinance requirements. Also, based on the following findings: 1. The proposed zone change complies with the goals, policies, and objectives of the General Plan. 2. The proposed zone change would further the opportunities for improvements to the area. 3. The proposed zone change is in the interest of the City & public. A public hearing was held. Council Member Boyd seconded and the motion passed unanimously with voice votes from Council Members Boyd, Call, Atwood, McDade and Jensen voting, "Aye."

ITEM G: PUBLIC HEARING TO CONSIDER THE ADOPTION OF A RESOLUTION REGARDING RICHARD WARBURTON'S REQUEST TO AMEND THE GENERAL PLAN LAND USE MAP FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL FOR PROPERTY

LOCATED AT APPROX. 1003 EAST 100 NORTH. MONKEY TOWN NEIGHBORHOOD

Mayor Daniels read this item. Supervisor Young explained that Richard Warburton requesting approval of a Land Use Amendment to change the City's General Land Use Map from Low Density Residential to Medium Density Residential for the subject property. The location of the property is at 1003 East 100 North with an acreage of 1.30-acres. The current land use is Low Density Residential; with the proposed land use being Medium Density Residential. He said this item has to come before the next item as the General Plan has to be amended prior to a rezone of this area.

The applicant has requested a rezone from R1-20 to R1-9, which would see to it that the applicant is able to submit plans to subdivide his property. After reviewing the City's General Land Use Map, Supervisor Young indicated that the staff determined that the current land use designation for the subject property and the surrounding area is Low Density Residential. The request to rezone to R1-9 does not comply with this land use designation, which requires a Medium Density land use designation; therefore, Staff has required the applicant to come forward with an application to amend this land use designation.

The subject property lies within the area master planned Low Density Residential. Any zoning of property within this designation is to not, he said, to be a lower number than the R1-10 zone; and a density no greater than 4-lots per acre. This request is somewhat a precursor to an overall General Land Use Map change that Staff is currently working on for the entire General Land Use Map. The applicant's request matches the changes Staff will be proposing for the subject property and the surrounding area, because the area is predominantly zoned with properties that fit into a Medium Land Use category, especially on the west side of the canal. The applicant has been made aware of the future changes Staff is going to propose; however, this may take a few more months to approve, and the applicant would not like to wait.

As shown on the City's current zoning map, there is a large section of R1-9 (Medium Density) zoned property to the west, and it is predominant along the west side of the canal in this area. There is only a small section, on the west side of the canal, just below 100 North, which is zoned R1-10, but compared to the areas that are zoned R1-9, R1-8, and R1-7 on the west side of the canal, this is small. With other properties in the area already having been zoned to a Medium Density Residential land use category, and with Staff preparing to change the area overall to this land use designation, in the near future, Staff finds this request to be appropriate, and consistent with the development trend in the area.

Council Member Call asked the approximate range of zones in the Medium Density area. Supervisor said it would be comprised of R1-8,9,10, etc. He said the density areas do overlap zones.

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

ACTION: Council Member Boyd moved to approve the adoption of Resolution No. 2007-017, regarding Richard Warburton's request to amend the General Plan Land Use Map from Low Density Residential to Medium Density Residential for property located at approximately 1003 East 100 North with the conditions that the rezone request falls within the Medium Density Residential land use category. Also, with the findings that; 1. The proposed land use amendment complies with the goals, policies, and objectives of the General Plan. 2. The proposed land use amendment follows the zoning trend of the surrounding area. 3. The applicant's proposal complies with Staff's proposal to have all residential properties south of 1100 North & West of the canal be changed to a Medium Density Residential as part of the upcoming changes to the General Plan & Land Use Map. 4. The proposed Land Use Amendment is in the interest of the City & public. A public hearing was held. Council Member Call seconded and the motion passed unanimously with voice votes from Council Members Boyd, Call, Atwood, McDade and Jensen voting, "Aye."

ITEM H: PUBLIC HEARING TO CONSIDER AN ORDINANCE REGARDING RICHARD WARBURTON'S REQUEST TO REZONE A 1.3 ACRE TRACT OF LAND FROM R1-20 (SINGLE FAMILY RESIDENTIAL, 20,000 SQ. FT. LOT AREA) ZONE TO R1-9 (SINGLE FAMILY RESIDENTIAL, 9,000 SQ. FT. LOT AREA) ZONE, FOR PROPERTY LOCATED AT APPROX. 1003 EAST 100 NORTH. MONKEY TOWN NEIGHBORHOOD

After Mayor Daniels read this item, Supervisor Young came forward. He reported that the applicant, Richard Warburton, was requesting the approval of a zone change of approximately 1.3 acres located at 1003 E 100 North from the R1-20 to the R1-9 zone.

In explaining the background of the request, he noted that the subject property was 1.3 acres of undeveloped land located west of the Murdock Canal and north of the intersection of 100 North and Center Street. In order to subdivide the parcel, the property needs to be rezoned, he said. It is anticipated that property will be rezoned from the R1-20 to the R1-9 zone to match development on the north side of 100 North.

The General Plan calls for Low Density Residential on the subject property. The current land use designation calls for either the R1-12 or the R1-10 zones. While the requested zone to R1-9 doesn't comply with the current general plan map, the zoning is consistent with the developments north of 100 North. In addition, he said the land use for this property was currently under review and if approved it would change the land use designation of this property from Low Density Residential to Medium Density Residential which allows for a zone change from R1-20 to R1-9.

Supervisor Young explained that the subject property was currently zoned R1-20. The new zoning designation of R1-9 will make this property more consistent with the zoning

of the other already developed parcels north of 100 North. Under the new zoning designation no lots will be smaller than 10,000 sq. ft which will create lots more consistent with the surrounding properties. All the properties adjacent to the property are R1-9, R1-10 or R1-12. There are a couple of properties directly to the west that are zoned R1-20 but it is anticipated that at the time they subdivide they would probably come in as R1-9.

At a public hearing held on March 22, 2007, the Planning Commission recommended approval of the Warburton zone change with a condition that the City Council approves the Warburton Land Use Amendment.

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

ACTION: Council Member Call moved to approve Ordinance No. 2007-19, regarding Richard Warburton's request to rezone a 1.3 acre tract of land from R1-20 (single Family Residential, 20,000 sq. ft. lot area) zone to R1-9 (Single Family Residential, 9,000 sq. ft. lot area) zone, for property located at approximately 1003 East 100 North with the findings that; 1. The proposed zone change is consistent with other properties in the area. 2. The proposed zone change is in the interest of the public. At public hearing was held. Council Member Jensen seconded and the motion passed unanimously with voice votes from Council Members Boyd, Call, Atwood, McDade and Jensen voting, "Aye."

ITEM I: PUBLIC HEARING TO CONSIDER AN ORDINANCE REGARDING KRISER HOMES' REQUEST TO AMEND TITLE 10-9-B-15 TO ALLOW A PLANNED RESIDENTIAL DEVELOPMENT (PRD) ORDINANCE, IN THE R1 SINGLE FAMILY RESIDENTIAL ZONES. CITY WIDE IMPACT

After Mayor Daniels read this item, Planner Allen stated that this request from Mr. Matt Kriser was for a text amendment to adopt new sections to Title 10 of the City ordinance, for Planned Residential Developments, and amending the text to fit the proposal. The property is currently zoned RR and R1 zones. He said Mr. Kriser would like the City's ordinance to have the option to develop well planned, private communities within the RR and R-1 zones.

In recent years, he said a well-used trend for development of residential communities has been private, sometimes gated, residential subdivisions, which offer private ownership in amenities, such as pools, clubhouses and open space. These are with the advantage of a homeowner having less to maintain, because the subdivision is governed by a Homeowners Association (HOA), set up by the developer. With the desire to ensure quality living for those who wish have less responsibility and labor for their surroundings; Planned Unit Developments, also known as "PUD's," have made their way into the mainstream of subdivision development. He then noted that the applicant would like to bring these types of developments into the mainstream of residential developments in Pleasant Grove City.

On July 5, 2005 the City Council approved the “Repeal” of the “PD Overlay Zone,” called the Performance Development ordinance, which allowed private communities within Pleasant Grove City, with the development revolving around a performance development scheme. Even though the “PD” ordinance can work in this way, Staff believes there is a better function for a “Performance Development (PD)” ordinance, which Staff will propose at a later date. Unsurprisingly, the former Pleasant Grove “PD” ordinance was repealed due to several concerns.

Staff is uncertain why there was no apparent consideration or research given, by Staff, to the rewriting of this ordinance, or to allow for a similar residential development, which would be more suitable to Pleasant Grove. With the request of Mr. Kriser, Staff has prepared a new proposal to allow for a private community called a Planned Residential Development, or “PRD.” Also, included with this report is the memorandum submitted to the City Attorney laying out the past concerns, with comparisons to the new ordinance that is being proposed with a comparison review of the new proposal.

Continuing in his presentation, Planner Allen explained that the Planned Residential Development (PRD) ordinance proposal is a text that is almost completely different from the previous “PD” ordinance, but will serve the same purpose. This purpose would be to foster the development of residential communities with character, open space, amenities, higher architectural standards and common areas--which home owners will not have the burden of maintaining. There are many types of planned communities that can be designed according to what is allowed by the city they are located in. This is the key to understanding how much the ordinance, if adopted, will affect the fabric of Pleasant Grove City, he noted. The City may choose its own formula for allowing these types of communities. Staff has prepared this new formula. First, he asked the Council to look at the concerns which led to the repeal of the past ordinance, and compare them to the current proposal.

Planner Allen then listed the five main concerns listed in the repeal, as well as the comparison response to each one based on the new proposal. He indicated that this same information was provided to the City Attorney on the memorandum.

1. PD developments dramatically increase the demand for Staff time during the review, construction, and follow up of the developments, which is not beneficial to the City.
2. PD developments, due to their private nature, have not created an integrated street network between PD developments nor with surrounding standard developments.
3. PD developments, due to their private streets, create potential future liabilities to the City for maintenance and upkeep should homeowners associations wish to abandon maintenance of the private facilities.
4. PD developments, due to their private nature, do not allow the entire City to benefit from the required open spaces and amenities that are provided; and
5. PD developments, although providing some amenities, have not decreased the demand upon the existing City open space and recreation facilities nor decreased the need for future open space and recreation facilities to be provided by the City;

Planner Allen next explained the comparison to the new proposal:

1. A “PRD” development has no more of an increase on the demand for Staff’s time, from the review process to construction, than a regular subdivision, because from a process and review standpoint, it will be no different than reviewing a regular subdivision, or a condominium plat. A (PD) development was a “Performance Development” ordinance requiring Staff to calculate point values, and give consideration to greater detail, in their review. The (PRD) review process does not require an overly extensive review of additional items; in fact, it would be less than the demand multi-family residential development reviews put on Staff.
2. The new (PRD) proposal requires a City standard right-of-way (56’) width, but gives the development the option of dedicating the roads to the City. The streets in these developments shall be required to integrate with the surrounding network of City standard roads.
3. A (PRD) will have the option to provide streetscapes (park-strip landscaping) to beautify the street corridors through the (PRD) community, to comply with the City’s General Plan goals; however the City will not be required to maintain them. If Staff feels they can absorb the additional streetscape maintenance (trees only), then the developer can seek approval for that. The only private areas shall be the “Common Areas” (open space & its amenities), which the residents shall pay for and be maintained through a Homeowners Association. If the Homeowners Association were to dissolve, then the CC & R’s, recorded with the subdivision plat, can opt to dedicate these common areas to the City, or give the current lots owners the right to enforce the CC & R’s by petition, effective for a certain period of time.
4. The new (PRD) development shall again integrate into adjacent neighborhoods, with trails, allowing pedestrian traffic to navigate through. Other residents shall be able to access the parks, and open spaces; however, there may be restrictions on the facilities (pool, clubhouse, sport courts etc.), because they are for the benefit of those paying for the amenities within the PRD.
5. Staff disagrees with the last reasoning, and believes that it does not apply in this case. All the well planned subdivisions in the City could not decrease the need or demand for City parks and/or recreational facilities for its residents. Having said that, if our residential subdivisions can provide more usable green space & amenities for the convenience of the surrounding residents, the City would benefit overall, and more areas in Pleasant Grove would be accused of having a higher standard of living.

Planner Allen gave additional comparisons:

	<u><i>PD</i></u>	/	<u><i>PRD</i></u>
Density:	Base + Bonus Density allowing up to a 20% increase.		Based on zone; and follows the General Plan Staff is currently updating. No additional density increase.

Lot Size:	At least 30% of the minimum zoning requirement.	Up to 40% of the total lots may be reduced in size from the minimum zoning requirement.
Open space: the zone,	50% of the net acreage. No more than 15% can be used as hard scape.	A (%) requirement specific to with the highest being 20% (R-R Zone). Hard scape may be counted toward the Open Space requirement as long as it is recreational in nature.

Planner Allen next explained the proposal further meets the goals and objectives of the City’s General Plan by providing additional options for orderly, efficient, and attractive residential developments. The purpose of the R1 Zone is to, “promote an environment for all socio-economic levels of family life...” There are many people who like living in planned communities, and it has been a successful product in many cities within the State and beyond our borders. This proposal will meet the intent of the zone, and provide another option for quality living within the City. He went on to say that the purpose of the R-R zone is to accommodate residential developments that can be oriented to an equestrian lifestyle. Staff believes the lot size and open space requirements for a PRD, in this zone, will sustain this definition.

The “PRD” proposal, he said, is one that Staff believes better suits the City, based on past concerns, where the City is headed in the future, and the demographics of an increasing population of all ages. Planning has come to this determination based on the analysis and comparisons given above. A developer is to default to all other zoning, supplementary, and development requirements not covered by the new ordinance.

He next noted that On February 22, 2007, the Commission forwarded a positive recommendation to approve the PRD Ordinance with a few minor text revisions. Shortly following that meeting, the applicant approached Staff with some concerns. The applicant had determined that their subdivision proposal would not work under the new ordinance, and requested two significant changes to from the original proposal. These were the “Minimum Lot Size” requirements section, and including the PRD option in the R-R zone in case the applicant did not obtain an approval to rezone to the R1-20 once their subject property is annexed into the City. Staff accommodated the applicant with these requests, and took a new approach to the lot size requirements. On March 22, 2007 Staff presented the ordinance proposal again to the Commission, and the Commission recommended approval to the Council again, including the following corrections; 1. Reduce the Open Space requirement for the R-R zone to twelve percent. 2. Increase the minimum side-yard setback for a dwelling to 10 feet. 3. Give a complete definition of “Hard scape.”

He went to note that Staff addressed the three major areas for correction that were listed earlier; however Staff is maintaining its original recommendation on the Open Space and setback requirements. The Open Space should be a higher percentage to be compatible

with the purpose and objectives of the R-R/Rural Residential Zone. As for Staff recommending a reduction in the side and rear yard setbacks, he indicated that this was done because a standard characteristic of a planned community is one that has an increased density from a standard subdivision. Once Open Space requirements are met, the applicant is left with what property is remaining, to establish the number of lots the developer feels is needed to meet certain financial goals. By reducing the side-yard setback to 5 feet, the City provides the flexibility that a planned community should have, and still meets the minimum space needed for the fire department along the side of a dwelling.

Council Member Boyd noted that the RR was not listed. Mr. Kriser explained that he had also noticed that it had been left out. He said the RR's would have been the same as the R1-20.

Mr. Kriser then explained why he felt the City would benefit from a PRD. He said that a very popular development in Provo called Stone Gate provides the best of both worlds with big lots and amenities. He then showed concept pictures to the Council. He said he felt it best to have a mix of communities in Pleasant Grove.

After further discussion, Mayor Daniels remarked that it was of great concern if the Homeowner's Association (HOA) suddenly dissolved and the streets and common area suddenly had no maintenance. He said he was aware that the care then fell to the City. He then explained that if the second generation of homeowners did not want to participate in an HOA due to the normal costs and headaches, the question remains as to who is in charge of the clubhouse, swimming pool and other amenities.

Council Member Atwood then expressed his concern that with the other planned communities that were allowed to come into the City in recent years, the HOA's came to the Council wanting them to resolve conflicts. Mayor Daniels agreed and asked how the City would be protected when the HOA's went away.

Planner Allen then indicated that in other cities that he was aware of, the CCNR'S with such developments were registered with the county. Council Member Atwood asked if the HOA was dissolved, who would enforce the CCNR'S. Planner Allen said he wasn't sure. Council Member Atwood asked Attorney Petersen what she thought would happen if the HOA was dissolved; and how it would be enforced. Attorney Petersen said the issue would be civil in nature. She said the ordinance governing such developments would need to include mandatory upkeep by the residents of the green areas, etc.

Mayor Daniels said it was apparent to him that the ordinance still needed some work. He asked that there be provisions to protect the City if the HOA dissolves. He said the proposed ordinance does not have such a provision. The Mayor also said he feels that a PRD could be a good direction for the City to move into for certain developments.

Mayor Daniels then directed Staff to continue exploring protections after homeowners and HOA's would dissolve and how the City would have strict ways of enforcing the upkeep of the green areas and roads within the PRD. Mr. Kriser agreed with the Mayor. Mayor Daniels then asked if there was any further discussion. There was none. He then asked for a motion.

ACTION: Council Member Jensen moved to continue indefinitely the consideration of an Ordinance regarding Kriser Homes' request to amend Title 10-9-B-15 to allow a Planned Residential Development (PRD) Ordinance, in the R1 Single Family Residential zones. A public hearing was held. Council Member Atwood seconded and the motion passed unanimously with voice votes from Council Members Boyd, Call, Atwood, McDade and Jensen voting, "Aye."

ITEM J: PUBLIC HEARING TO CONSIDER AN ORDINANCE REGARDING LONE PEAK DEVELOPMENT'S REQUEST TO AMEND SECTION 11-3-4(B), "CUL-DE-SACS," BY INCREASING THE MAXIMUM LENGTH OF THE CUL-DE-SAC. CITY WIDE IMPACT

Planner Allen explained that this request by Lone Peak Development Partners was a Cul-de-sac Text Ordinance Amendment. Further, he said it was a request to extend the allowed cul-de-sac length in the R1 and RR zones. This would include all of the R1/Single-Family Residential Zones and the RR/Rural Residential Zone.

He went to explain that what initiated the ordinance amendment was Lone Peak Development Partners' request to amend the ordinance. They are proposing a subdivision with a cul-de-sac that is 700 feet in length. As staff looked at the application, they saw that there was some merit to the request to allow for longer cul-de-sacs. On their specific site, he said the property is only wide enough for one access; but then opens up in the middle of the block. Because the property is surrounded by homes, an additional access cannot be gained. At the request of Staff, the applicant has provided drawings of their proposed subdivision showing a cul-de-sac length of 400 feet, 500 feet, 600 feet, and the requested length of 700 feet.

After looking further, he said that Staff found that there were several pockets of land in the City similar to this one. Cedar Hills, for example, allows for the City Council to approve cul-de-sacs beyond the maximum length when topographic constraints make it necessary. Lindon allows for a maximum length of 650 feet or 14 lots, whichever is more restrictive. This request is a blending of the two. He said that Staff did not think it wise to remove the current cul-de-sac length entirely; but they did want to give the City Council the ability to approve additional length, when necessary.

Planner Allen then indicated that there are three additional examples where a longer cul-de-sac would be required. As the city grows out, there are parcels that can only be serviced by a cul-de-sac. Many of those properties, however, will require a cul-de-sac length longer than the 400 feet, which is currently allowed. He said Staff came to their recommendation of 700 feet after looking at other cities in the area and consulting with

City Engineering and Fire. Further, Staff wanted to limit these cul-de-sacs even more by placing a maximum number of lots that can be serviced. With this language, all the zones, even the R1-7, 8 and 9 zones, will have the same maximum number of allowed lots.

Planner Allen noted that the proposed changes will not contradict the intent of the goals and objectives of the General Plan. He went on to say that City Engineering and City Fire have reviewed the proposed amendment and recommend approval. They do not feel that the longer cul-de-sac length would affect the City's ability to service the lot. The two issues that will have to be addressed will be fire hydrants and fire flows.

At the plans review stage, he said that Staff will check that the appropriate number of fire hydrants is provided and that the International Fire Code is met.

With regards to fire flows, all subdivisions in the City are reviewed by Utilities Engineer Mr. John Schiess to make sure that adequate fire flows can be achieved. These longer cul-de-sacs will be no different. If fire flows cannot be provided with the normal sized line, a larger line will be required to achieve the required fire flows.

The Planning Commission heard this request at a public hearing held on February 22, 2007. While at the public hearing, they recommended approval with an added condition that any longer cul-de-sacs be required to loop the water line.

When possible, he indicated that Engineering's preference is that water lines are looped, however, they do not see the condition to require water looping as a reasonable condition. They have stated that any issues dealing with fire flow will be addressed by City Engineering even if that means requiring that the line be upsized in the subdivision or the line going to the subdivision be upsized. This condition has been included in the motion because it was the Planning Commission that made the recommendation. Staff feels that it is reasonable to give the City the ability to allow for longer cul-de-sac lengths when the site merits the extended length.

Mayor Daniels said that his main concern is the safety and health issues of the residents. He asked Director Walker and Chief Sanderson if they were brought into the discussion regarding the longer lengths of certain cul de sacs. Chief Sanderson and Director Walker both said they were included. Also, Planner Allen indicated that Staff was recommending this length of cul-de-sac only in rare cases.

Administrator Mills then expressed some concerns that he had about the culinary water going to the homes at the end of such a length as 700 feet. He asked the Council to remember that a 700 ft. cul de sac would be the equivalent to the length of two blocks. Looping the system is fine for fire flow, but he said it would leave the residents on the end of the road with possible bacteria problems as the water would potentially get stale. He also noted that a vicinity map should be presented so the Council could perhaps discuss potential roads in that area. He said his other concern was that of an emergency on the road such as a water break. He said reaching residents with a potential of a 200 ft distance is much easier than 700 ft. Additionally, he asked where the line would be looped. Planner Allen said through a relative's yard. Administrator Mills said that the

relative might agree to the looping on their property now, but might be very upset if there was a problem with the line and the City had to come in and dig their landscaping up to repair the line.

Mayor Daniels then recommended to Staff that this proposal not be killed, but instead come back to the Council with all of the concerns addressed. Council Member Call said he wasn't sure that it shouldn't be killed after listening to Administrator Mills' concerns.

Mr. Jared Bishop from Lone Peak Development said that this was the last resort that he and the City Staff could come up with. He said he spoke with neighbors and found this was the only way to develop the property. He also noted that because of poor planning in distant years by the City, he held a piece of property that had no outlet.

Mayor Daniels said that he and the Council see it over and over whereby people do not want a street going through their property. He said because everyone doesn't work together for the common good in situations like these, a piece of property ends up being landlocked. The Mayor then opened the discussion to a public hearing.

Mr. Boyd Fenton came forward. He said he owned property near the subject property. He said he had brought a petition from neighbors requesting the City to bring the road through. In questioning other cities, he said they said it was a mistake to make a cul de sac 700 feet. He also said that making it a cul de sac was comprising the safety of the residents in that area.

Mr. Mark Evans then addressed the Council. He said that after listening to the points of interest, he felt the City needed to be very cautious before allowing such a long cul de sac.

Mr. Natt Summ then said he was working with Mr. Bishop. He noted that the developer should not be denied development because the City had made past mistakes. Mayor Daniels said that the City's Staff came to Pleasant Grove with experience from several different areas. He said that he and the Council relied on their expertise and experience. He then addressed the statement that the City had made a mistake. The Mayor said the developer knew the limitations of the property when he purchased it. He added that the City cannot just roll over to the developers by saying that a cul de sac was the only option.

Mayor Daniels then closed the public hearing. He asked if the Council had any comments. There were none. He then asked for a motion.

ACTION: Council Member Boyd moved to Public Hearing to continue indefinitely the consideration an Ordinance regarding Lone Peak Development's request to amend Section 11-3-4(B), "Cul-De-Sacs," by increasing the maximum length of the cul-de-sac. Also, that when the proposed Ordinance again comes before the Council, that it contain detailed vicinity maps. Council Member Call seconded and the motion passed with voice votes from Council Members Boyd, Call, McDade and Jensen voting, "Aye," and

Council Member Atwood voting, “Nay.” Council Member Atwood added that he wanted to see the proposed Ordinance denied.

ITEM K: PUBLIC HEARING TO CONSIDER AN ORDINANCE IN REGARDS TO AMENDING SECTION 11-7 BY ADDING SUBSECTION (7), “SITE PLAN REQUIREMENTS FOR PERMITTED AND CONDITIONAL USES.” CITY WIDE IMPACT

Please Note—prior to this item being discussed, a motion was made to extend the meeting past 11 p.m.

ACTION: Council Member Boyd moved to extend the current Council meeting past 11 p.m. Council Member Call seconded and the motion passed with Council Members Boyd, Call, McDade, Atwood and Jensen voting, “Aye.”

Planner Allen then told the Mayor and Council that the Staff was recommending this “housekeeping” item for approval. He said that Staff would like to add a section providing standard Site Plan submittal requirements to Title 11-7 of the existing City ordinance. The impact of this proposed ordinance would be in all commercial/retail, office and condominium developments.

In review of Title 11 Chapter seven (7), he said that Staff had found that there was not any mention of the items required for a Site Plan submittal. The chapter has all the other major categories of review, “Concept Plan,” “Preliminary Plat,” “Final Plat,” and “Vacating, or Changing” a subdivision plat. Site Plan submittals are required for all new commercial developments, and are required with Condominium developments. JUB Engineering has provided a manual, separate from the City’s ordinance called, “Public Works Standard Specifications and Drawings,” which has City Council approval. However, prospective applicants refer to the City’s online ordinance for preparing their submittals, and have voiced concern about there not being reference to Site Plan requirements in the City’s ordinance. Staff and Council will also be able to avoid having the “Standard Specifications” updated every year, if adopted into the City’s ordinance.

The requirements are already in place, and approved by the Council, through a separate document prepared by the JUB Engineering Firm. The request is to simply adopt the same standard specifications, with minor modifications, to the text of the City’s development title, where there should be reference, for proper inquiry of Staff, and prospective applicants. This further streamlines the ordinance and helps reduce any confusion applicants have shown with regard to commercial Site Plan requirements, and the process for obtaining approval.

The proposed text addition, including minor changes, does not affect the City’s General Plan. The interest in commercial development within Pleasant Grove City has increased, and the Community Development Department has already begun to receive applications for some high profile commercial developments, with more being anticipated in the very

near future. Some of the applicants, who have already begun the process of obtaining Site Plan approval, have asked that Staff try to incorporate the Site Plan requirements into the City's ordinance, for easy reference, and to make the process more clear and easy to follow.

On March 8, 2007 the Planning Commission forwarded a positive recommendation to approve the adoption of Site Plan Requirements for Permitted & Conditional Uses, including minor text amendments to the existing JUB Engineering manual for this section.

Mayor Daniels opened the discussion to the public. There were none. He then closed the public hearing and brought it up to the Council. There were no comments from them, either. The Mayor then asked for a motion.

ACTION: Council Member Call moved to approve Ordinance No. 2007-20, in regards to amending Section 11-7 by adding Subsection (7), "Site Plan Requirements for Permitted and Conditional Uses," with the following conditions; 1. That the amendments proposed from the original "Standard Specifications" text, also be adopted with the outline of the new text to Title 11. 2. That all Fire Department safety & Fire appendices be adopted with the Site Plan requirements. Also, with the findings that; 1. The *Plan & Plat Requirements* Chapter, in Title 11, does not cover the requirements for Site Plan submittal. 2. There is mention of Site Plan items required for submittal in the Grove Zoning ordinance, but this is not complete, and has been subject to JUB's Standard Specifications manual. 3. Several recent high profile applicants have requested this change be addressed by Staff. A public hearing was held. Council Member Jensen seconded and the motion passed with Council Members Boyd, Call, McDade, Atwood and Jensen voting, "Aye."

ITEM L: PUBLIC HEARING TO CONSIDER AN ORDINANCE IN REGARDS TO AMENDING SECTION 11-7 BY ADDING SUBSECTION (7), "SITE PLAN REQUIREMENTS FOR PERMITTED AND CONDITIONAL USES."

After Mayor Daniels read this item, Planner Allen said this was another "housekeeping" item. He explained that the request was brought forward by Staff to have an approval of an amendment to the existing text of the City Code relating to infrastructure improvements and the issuance of building and occupancy permits.

Planner Allen went on to explain that following the changes made to the Grove Zone concerning the issuance of permits, Staff was recommending that the code for the other zones be amended to have similar language. The residential zones already have an infrastructure improvement schedule, so only the commercial and manufacturing zones need to be amended. The same infrastructure improvement schedule that is in the Grove Zone will be added to the C-N, C-S, CS-2, CBD, C-G, BMP, and MD zones. An infrastructure improvement schedule that outlines what improvements are required prior to the issuance of the various permits will provide clarity to the code. Also, implementation of an infrastructure improvement schedule will give added flexibility to potential commercial and manufacturing developments in Pleasant Grove.

He noted that City Engineering has reviewed the proposed text amendment and approved of the recommendation for an infrastructure improvement schedule in all commercial and manufacturing zones. Additionally, the Planning Commission had heard this request and recommended approval at a public hearing held on March 8, 2007.

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

ACTION: Council Member Boyd moved to approve Ordinance No. 2007-21, in regards to amending Sections 10-11 A-16(G), 10-11C-15 (H), 10-11D-15 (H), 10-11E-15(H), 10-11F-15-(H), 10-12A-9(L) and 10-12B-14(D), “Restrictions on Issuance of Building Permit,” by adding infrastructure requirements with the following findings; 1. The current ordinance does not have an Infrastructure Improvement Schedule for any of the Commercial or Manufacturing zones. 2. The proposed text amendment would provide added flexibility to Commercial and Manufacturing Developments in Pleasant Grove. 3. The proposed text amendment is in the interest of the public. A public hearing was held. Council Member Jensen seconded and the motion passed with Council Members Boyd, Call, McDade, Atwood and Jensen voting, “Aye.”

ITEM M: TO CONSIDER AN ORDINANCE IN REGARDS TO AMENDING THE “CONDITIONAL USES” SECTION FOR THE FOLLOWING ZONES: A-1/AGRICULTURAL (10-8-2/G), RR/RURAL RESIDENTIAL (10-9A-2/G), AND R1/SINGLE-FAMILY RESIDENTIAL (10-9B-2/F), TO ALLOW FOR ANIMAL HUSBANDRY OF UNIQUE & EXOTIC ANIMALS AS A NEW USE CLASSIFICATION #8229. THE REQUEST IS TO ADD LAND USE CODE #8229 TO THE CONDITIONAL USES LIST UNDER THE ZONES GIVEN ABOVE, AND MODIFY IT TO READ, “OTHER ANIMAL HUSBANDRY SERVICES (EXOTIC), EXCLUDING ANIMALS WHICH POSE A THREAT TO HUMAN LIFE UNDER NORMAL CIRCUMSTANCES, LIMITED TO ONE ANIMAL OF ONE SPECIES AS A PET, AND A BUSINESS SHALL BE SUBJECT TO SECTION 10-21-4 OF THIS TITLE. ALL ANIMAL HUSBANDRY IN THIS CATEGORY SHALL BE SUBJECT TO RECOGNIZED NATIONAL STANDARDS AND BEST MANAGEMENT PRACTICES, WHERE THEY EXIST, OR SIMILAR TO STANDARDS AS MODELED BY THE NATIONAL REPTILE IMPROVEMENT PLAN (NRIP)/BEST MANAGEMENT PRACTICES FOR REPTILE TRADE AND HOBBY”. ALSO ADDING TEXT TO TILE 5-1C-13-A/ NUMBER OF ANIMALS STATING THAT “ANY OTHER ANIMALS, DEFINED AS EXOTIC, AND THEIR NUMBER ALLOWED SHALL BE DETERMINED BY THE PLANNING COMMISSION THROUGH THE CONDITIONAL USE PERMIT PROCESS.” CITY WIDE IMPACT (Continued from March 20, 2007 City Council Meeting.

After Mayor Daniels read this item, Planner Allen explained that he had received further information from the Center for Disease Control (CDC) and the National Humane

Society (NHS). The request was coming to the City by James and Pam Cantrell, who wanted to breed Ball Pythons in their home as a home occupation business. He said in reviewing the new information, Staff was no longer recommending that reptiles be allowed as pets at all. The problems, statistically speaking, with specific diseases, as well as possible injuries to the owners, has convinced Staff that these exotic pets should not be allowed. He went on to explain that a conditional use permit, that would be renewed each year, would help home occupation businesses be checked annually both by the City and a veterinarian.

He went on to explain that he received statistics on diseases from reptiles. With an estimated 3% of households in the United States own at least one reptile. Reptiles, including turtles, lizards, and snakes, can carry germs that make people sick. Of greatest importance is Salmonellosis. An estimated 70,000 people get Salmonellosis from contact with reptiles in the United States each year.

Mayor Daniels told those present that even though this item was not a public hearing, he would allow people to come forward.

Mrs. Melanie Aird then came forward. She said she had been doing a lot of research on reptiles and their possible effect on a residential neighborhood. Mrs. Aird had contacted the Utah County Health Department, and according to her, the department was "very concerned," about having such a business in a residential area. She also said she had spoken with biologist and with staff at Hogle Zoo. The Utah County Health Department, she noted, considered such an operation as The Cantrells were proposing a farm. She also said the County said that if the City did approve this kind of operation, they could be open to lawsuits. She also said that she was told that no matter how clean the operation was, there would be odors. She ended by saying that she felt such an operation would affect land values.

Mrs. Cantrell then came forward. She said she had a PHd in biology and taught at BYU. She noted that in her research regarding salmonella, there were a total of 44 cases of Salmonella in 2006 in Utah. She reminded those present that those statistics included the disease that had been contracted from several sources. Salmonella, she noted, can also be contracted from cats and dogs. She said that 95% of the Salmonella cases are food born.

Mayor Daniels asked Mrs. Cantrell to please respond to the earlier comment that such a business should be in an area zoned for farms. She said that such a decision would have to be made on a case-by-case basis. She said the entire operation would be housed in one small room in the home.

Council Member Jensen asked how many snakes Mrs. Cantrell would initially need to start her breeding business? She said she would have to have 50 snakes to start. Each snake would be in a box approximately the size of a sweater box. She said they would also install a dishwasher.

Council Member Boyd asked who she would be selling the snakes to. She said they have a market comprised of breeders and collectors.

Mr. Herb Carlson then came forward. He also expressed concern about property values in the area of the Cantrell home. He indicated he would also be concerned about the animals getting loose during a catastrophe, such as an earthquake.

Mr. Carl Clark said he had spent many years raising animals, and he said no matter how perfect an operation, there is always an odor. Mrs. Bonnie Clark then came forward and said she felt that Chief Tom Paul should be alerted that if the operation was allowed to go forward there would be “angry residents.”

Mr. Gerald Boyd said he was concerned about the smell, etc. of such a business, also.

Mayor Daniels then closed the public hearing. He commented that there had been a lot of concern expressed about public health in this meeting. Having a basically unknown animal in a residential area instead of a farm seemed to be of concern. He said the applicant has every right, however, to apply for a permit. The Mayor also said that this operation is a large home-based business. He asked the question if such an operation belonged in a R1-9 zone.

Council Member Call noted that he had done a lot of research on the internet and the only real compelling issue he had heard was property values. He added that under kennel statutes, only a certain number of dogs or cats could be kept in certain zones within the City.

Council Member Jensen said he wondered if comparing domestic animals and ball pythons was a valid comparison. He also said that property values were still unanswered in his mind.

Council Member Atwood indicated that he felt there did need to be a reasonable number of the animals allowed. He said that that he understands the animals are not dangerous, but his wife would prefer not to live next to a home with snakes. This, he said, whether reasonable or not, would affect home values in the area. He said snakes are generally scary for some people.

Planner Allen said that the City would be involved in the renewal of the Conditional Use Permit every year by inspecting the premises.

Council Member McDade then weighed in by saying that he was having a hard time approving an ordinance that he felt had no “teeth” to enforce anything. He said only the owners of the snakes would know if their 5 year-old grand child was handling the snakes and possibly contracting something.

ACTION: Council Member Boyd moved to deny an Ordinance in regards to amending the “Conditional Uses” Section for the following zones: A-1/Agricultural (10-8-2/G),

RR/Rural Residential (10-9A-2/G), and R1/Single-Family Residential (10-9B-2/F), to allow for animal husbandry of unique & exotic animals as a new use classification #8229. The request is to add land use code #8229 to the conditional uses list under the zones given above, and modify it to read, "Other Animal Husbandry services (Exotic), excluding animals which pose a threat to human life under normal circumstances, limited to one animal of one species as a pet, and a business shall be subject to Section 10-21-4 of this title. All animal husbandry in this category shall be subject to recognized national standards and best management practices, where they exist, or similar to standards as modeled by the National Reptile Improvement Plan (NRIP)/*Best Management Practices for Reptile Trade and Hobby*". Also adding text to Tile 5-1C-13-A/ *Number of Animals* stating that "Any other animals, defined as exotic, and their number allowed shall be determined by the Planning Commission through the conditional use permit process." **(Continued from March 20, 2007 City Council Meeting.** Council Member McDade seconded and the motion passed with Council Members Boyd, Call, McDade and Atwood voting, "Aye," with Council Member Jensen voting, "Nay."

Council Member Boyd then indicated that the City should look at perhaps allowing such an operation in a farming area. Additionally, she noted that the ordinance needed to be written so that it was an enforceable law that would protect the health and welfare of local residents.

Mrs. Cantrell thanked the City Staff for their excellent work and research. Mayor Daniels, in turn, thanked the Cantrells for their professional demeanor throughout the many hearings.

(Please Note: Council Member Atwood left at 11:41 p.m.)

ITEM N: TO CONSIDER STAN BOYER'S REQUEST FOR FINAL PLAT APPROVAL OF A 4-LOT SUBDIVISION WITH LOTS 2 AND 3 BEING FLAG LOTS, KNOWN AS PLEASANT ORCHARD SUBDIVISION, PLAT "A," LOCATED AT APPROX. 729 ORCHARD DRIVE, IN THE R1-8 (SINGLE FAMILY RESIDENTIAL, 8,000 SQ. FT. LOT AREA) ZONE. SCRATCH GRAVEL NEIGHBORHOOD

Following the Mayor reading this item, Planner Allen explained this was concerning Mr. Stan Boyer's final plat proposal called the Pleasant Orchard Subdivision Plat "A." He noted the property was located at 720 East Orchard Drive, consisted of 1.124 acres and would be a flag lot development. He said the zoning is R1-8.

The applicant is requesting to subdivide his property into a 4-lot development in the R1-8 zone, located approximately 720 East Orchard Drive opposite Jupiter Avenue. The applicant would like lots 2 and 3 to be flag lots. The proposal previously came before the Planning Commission on December 14, 2006 and was continued in order to ensure that all other design options had been explored. There were only two other viable options to explore, in subdividing the property, and both examples have been provided for

reference. On January 25, 2007 the flag lot proposal was reviewed again by the Commission.

The subject property falls within the Medium Density Residential Zoning District. The proposal does comply with the intended land use in this area for a single-family residential development; which allows for a development to have a density up to 6 lots per acre.

The applicant is proposing to install a 25' wide stem road that connects to Orchard Drive, and is oriented directly across from Jupiter Avenue. Lots 2 and 3 will only use the stem for access. If the alternate design is adopted, then engineering has determined that the knuckle shall provide adequate fire access and safety to the future residents. The International Fire Code requires any road longer than 150 feet to include a turnaround for emergency vehicles that meets certain width specifications. The proposed stem road is less than 100 feet long.

Planner Allen said he proposal meets the conditions and restrictions of the R1-8/single-family residential zone. The proposal also complies with the supplementary requirements for a flag lot development, and the flag lot proposal has an overall density of 3.5 lots per-acre, still well under the maximum allowed six lots per-acre. Allowing the flag lot option meets the needs of the applicant without jeopardizing City goals, or the ordinances that apply to this development.

In reviewing the possible subdivision design options, JUB Engineering determined that a full cul-de-sac bulb would not work because it would greatly reduce the buildable areas on the flag lots once the required setbacks were met. During the continuation period Staff had the engineering department attempt a half a cul-de-sac, or knuckle, which resulted in three buildable lots. The buildable areas on either end of the proposal are oddly shaped, but manageable. The only disadvantage to this design is that the applicant loses one potential lot. JUB Engineering explained that a standard 3-lot subdivision would work, but still recommended approval of the original plat designed for two flag lots with only one condition; even though the fire code does not require a full sized emergency vehicle turnaround because of the length of the proposed stem, JUB Engineering recognizes that there is a minimal need for vehicles to navigate, so the applicant is to include a turnaround capable of handling a full-sized pick-up. The width is to be 30 feet from the center of the stem extending out into lots 2 and 3. All final engineering requirements are to be met prior to recording the Final Plat.

The Planning Commission forwarded a positive recommendation to approve the Pleasant Orchard Subdivision as a flag lot development, including Staff's conditions.

Mayor Daniels then opened the discussion to the public.

Mr. Michael Harper came forward. He asked what would be take place as far as improvements. Planner Allen said there would be full improvements, including curb and gutter. Mr. Harper then said that he was concerned about water coming down from the subdivision above the proposed development. He said people at the end of Orchard

Drive would be affected by the water during a storm. Mayor Daniels said the engineers address such problems. Planner Allen said he assumed the engineers had address the water run off. Mr. Boyer then said the engineers had addressed the water runoff by having him pipe the ditch that crosses the road.

Mr. Harper then asked what size homes were going to be built on the property. Planner Allen said there were City statutes as to the size of homes, including the height, etc. He then asked if there was a turn around. Mayor Daniels said the area would be like Mr. Harper's driveway, and not a public street.

Mr. Lane Scott then addressed the Council and said he was just on a fact-finding mission. He said that despite the fact that recent construction in his area had broken fences, etc, he and his neighbors had been unable to get the owner to fix those fences. However, he said if the flag lot was done responsibly, he felt it would be a nice addition to the neighborhood. Mayor Daniels asked that Mr. Boyer spend some time explaining to Mr. Scott about his development.

After further discussion, the Mayor asked for a motion.

ACTION: Council Member Boyd moved to approve Stan Boyer's request for final plat approval of a 4-lot subdivision with lots 2 and 3 being flag lots, known as Pleasant Orchard Subdivision, Plat "A," located at approx. 729 Orchard Drive, in the R1-8 (Single Family residential, 8,000 sq. ft. lot area) zone with the following conditions; 1. At the end of the stem road, a vehicle turnaround is to be installed 30 feet out from the center point of the stem road on either side. 2. All final Engineering requirements are to be met, and completed prior to recording. 3. No parking is to be allowed on the stem road. 4. All final Planning and Fire Department requirements are to be met, and completed prior to recording. Additionally, with the following findings; 1. The proposal meets all the standard requirements for a preliminary plat submittal in the R1-8 zone, and the goals of a Medium Density residential development. 2. The proposal meets the requirements for a flag lot development. 3. The proposal has been given a recommendation of approval from Engineering. Council Member Call seconded and the motion passed with Council Members Boyd, Call, McDade and Jensen voting, "Aye."

ITEM O: TO CONSIDER BRIAN FRUIT'S REQUEST TO AMEND LOT 3 OF THE TIMPANOGOS CYCLERY, PLAT "A," SUBDIVISION AND TO CREATE A 3-LOT SUBDIVISION KNOWN AS TIMPANOGOS CYCLERY, PLAT "B," SUBDIVISION, LOCATED AT APPROX. 663 WEST STATE ROAD, IN THE CG (GENERAL COMMERCIAL) ZONE. SAM WHITE'S LANE NEIGHBORHOOD

Planner Allen explained that this item was to consider a Final Plat & Site Plan proposal called the Timpanogos Cyclery Condominiums at 663 West State Street. He said the 0.82 acres is owned by Mr. Brian Fruit and is zoned C-G/General Commercial. The For the Council to grant an approval of the proposed Condominium Plat & Site Plan for a three unit building, and vacating lot #3 of the original Timpanogos Cyclery Subdivision Plat "A."

The applicant received Site Plan approval (March 24, 2005), and Subdivision Plat approval (April 19, 2005), for the area proposed; however, as the applicant plans to construct the final building within the development, he would like the option of selling the units within the new building. The new building is to be located on existing lot #3 of the Timpanogos Cyclery Subdivision, at which time lot 3 would be vacated in favor of a new condominium plat for that lot area. The applicant has proposed to do this, and has provided an updated Site and Landscaping Plan as required by ordinance.

The subject property falls within Grove Zoning District on the City's land use map, but has a General Commercial zoning designation. The applicant's proposal is consistent with the goals and objectives of the General Plan for this area, because the applicant's development is primarily a retail operation.

He noted that Staff had confirmed with the County Recorder's office that vacating lot #3 of the existing Timpanogos Cyclery Subdivision Plat "A" in favor of lot 3 becoming a condominium plat, meets State and County requirements. The applicant needs to complete a "Declaration of Covenants," and submit that to the City for review. The Final Plat and Site Plan are to illustrate all "Common," "Limited Common" and "Private" areas that are associated with the proposal. The "Private" areas would be the building unit spaces they would like to sell to their interested clients. The "Common" and "Limited Common" areas are the landscaped & perimeter areas around the building that the developer usually bears the burden of maintaining, or the developer can set up a Homeowner's Association (HOA). Along with the HOA, the developer usually sets up CC & R's to provide additional regulations & standards for the HOA to govern. Staff has yet to see evidence of these CC & R's or an HOA.

The three proposed Condominium units are to take the place of lot #3 of the original Timpanogos Cyclery Subdivision Plat "A," which is to be vacated. The Final Plat must show those areas that are to be for "Private," "Common," and "Limited Common" ownership, as mentioned in the previous section. The Site Plan is to be amended to show additional improvements and changes to the lot 3 area. The breakdown is given below.

The drive access from State Street, and parking lot improvements already exist for the original Site Plan approval, and with the construction of the first two retail buildings. The access drive labeled on the Plat as a P.U.E., cross-access, and parking easement to be utilized by all three lots. Based on the sizes of units, and the ratio for the proposed use of these units, the applicant meets the parking requirements, and still maintains the parking required for the original two retail buildings.

The applicant is proposing to install some shade trees along the north and south perimeters of lot 3, and additional landscape coverings near the proposed Condominium units. The applicant is not proposing any landscaping, or shade trees in the islands at the ends of the double parking row, because it was approved that way with the original Site Plan, and the applicant claims the cost would be too great to install irrigation for those islands now. The architecture & materials proposed for all the buildings have been approved by Staff, and match the design theme of the existing retail buildings. No

fencing is required. The applicant has resolved any & all concerns with the Fire Department.

JUB Engineering has given a recommendation to approve the Final Condominium Plat and updated Site Plan. On February 15, 2007, the Commission forwarded a positive recommendation to approve the applicant's proposal, including Staff's conditions.

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

ACTION: Council Member Boyd moved to approve Brian Fruit's request to amend lot 3 of the Timpanogos Cyclery, Plat "A," Subdivision and to create a 3-lot subdivision known as Timpanogos Cyclery, Plat "B," Subdivision, located at approx. 663 West State Road, in the CG (General Commercial) zone with the following conditions; 1. That the applicant submits a "Declaration of Covenants" to the City, for review and approval by the City Attorney, prior to Council approval. 2. Illustrate and label "Common," "Limited Common" and "Private" areas of ownership on the Condominium Plat. 3. All final Engineering requirements are met, and completed prior to recording. 4. All final Planning & Fire Department requirements are met, and completed prior to recording. Also, with the following findings; 1. The proposal meets all the standard requirements for a Condominium plat submittal, and complies with the goals & objectives of the City's General Plan for this property. 2. This proposal is consistent with what the applicant has already constructed on the property. 3. The proposal has been given a recommendation of approval from Engineering. 4. The proposal brings a potential increase to the City's tax base. Council Member Jensen seconded and the motion passed with Council Members Boyd, Call, McDade and Jensen voting, "Aye."

Due to the hour, Mayor Daniels said that items p through x, as well as staff and Council business, would need to be discussed at the work session on April 10, 2007.

He asked for a motion on Item 12, approving the purchase orders.

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

14. ADJOURN

ACTION: At 12 p.m, Council Member Boyd moved to adjourn the City Council meeting. Council Member McDade seconded and the motion passed unanimously with voice votes from Council Members Boyd, Call, McDade and Jensen voting, "Aye."

This certifies that the City Council Minutes of April 3, 2007 are a true, full and correct copy as approved by the City Council on April 17, 2007.

Signed _____
Mary Burgin, Deputy Recorder