

Pleasant Grove City Council Minutes
July 17, 2007
7:00 p.m.

PRESENT:

Mayor:

Mike Daniels

City Council Members:

Cindy Boyd

Lee G. Jensen

Mark Atwood

Bruce Call

Deputy Recorder:

Mary Burgin

Others:

Frank Mills, City Administrator

Tina Petersen, City Attorney

Deon Giles, Leisure Services Director

Lynn Walker, Public Works Director

Richard Bradford, Economic Development Director

Ken Young, Supervisor of Community Development

Libby Flegal, Neighborhood Chair

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

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

1. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance lead by Boy Scout Kaden Crushfield

2. OPENING REMARKS

The Opening Remarks were given by Council Member Call.

3. APPROVAL OF MEETING'S AGENDA

Mayor Daniels reported that on the consent agenda, there will not be minutes to be approved, due to problems with the City's server. Additionally, he said #4 on the consent agenda should not have included Heather Pack's name. He said she is the Chair of the Arts Commission, and is already on the commission.

ACTION: Council Member Jensen moved to approve the meeting's agenda with the changes that numbers 1, 2 and 3 (meeting minutes) not be approved for this meeting and number 4 where Heather Pack doesn't need to be approved as she is already on the Arts Commission. Council Member Call seconded and the motion passed unanimously with Council Members Atwood, Jensen, Boyd and Call voting "Aye."

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

MINUTE REVIEW AND APPROVAL:

1. Joint City Council/Planning Commission Minutes for April 10, 2007
2. City Council Minutes for July 3, 2007
3. Work Session Minutes for July 10, 2007.
4. To consider appointment of new Arts Commission members (Evelyn Fowles, Sabrina Beck and Tori Merrill, Heather Pack, LaRae Allridge and Stephanie Ollerton).
5. To consider approval of Payment No. Three to Dunn Construction, LC for the Pressure Irrigation System- Schedule 5B.
6. To consider approval of Payment No. One to HDX, LC, a Dunn Company, for the Pressure Irrigation System- Schedule 6
7. To consider approval of paid vouchers (July 10, 2007).

ACTION: Council Member Call moved to approve the consent items, with the exception of Items 1, 2 and 3 (to be approved at a later meeting). Council Member Boyd seconded and the motion passed unanimously with Council Member Atwood, Jensen, Boyd and Call voting, "Aye."

5. OPEN SESSION

Mayor Daniels asked if there was anyone who wanted to come forward in an open session format. He asked if they would state their name and address and noted that they needed to limit their comments to two minutes or less. No one came forward.

6. NEIGHBORHOOD ADVISORY BOARD REPORT

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

7. BUSINESS

a. TO CONSIDER JAMES HANCOCK'S REQUEST FOR FINAL PLAT APPROVAL OF A 2-LOT SUBDIVISION KNOWN AS AUTUMN GROVE, PLAT "B," LOCATED AT APPROX. 1180 NORTH 930 WEST IN THE R1-10 (SINGLE FAMILY RESIDENTIAL, 10,000 SQ. FT. LOT AREA) ZONE. NORTH FIELDS NEIGHBORHOOD

Mayor Daniels read this item. Supervisor Young then indicated that the applicant, James Hancock, was requesting the Council to grant final plat approval of a 1.94 acre, standard 2-lot subdivision called Autumn Grove Subdivision, Plat B, at approximately 1180 North 930 West in the R1-10/Single-Family Residential zone.

On April 12, 2007 the applicant proposed a four-lot subdivision on the Wignall property. Unique to the proposal was the request to develop the subdivision with only half a standard-sized

City road. This was the only possible way to develop four lots, because the Hullingers did not want to give up the east half of the road yet. The vicinity plan, for this area, shows the entire future roadway to be located on the Hullingers' property, but the applicant was willing to install half of the road on the subject property, as long as he was approved to do so. The Planning Commission continued the proposal until a possible variance could be obtained from the Board of Adjustment. On May 17, 2007 the Board reviewed the plat, and the request for a half width road was denied. As a result from the Board of Adjustment meeting, the applicant is now proposing a two-lot standard subdivision.

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

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

With permission of the lot owner, JUB Engineering has recommended a temporary asphalt turnaround be installed in the southeast corner of lot #9 in the Honey Subdivision. JUB has no other concerns at this time.

The General Plan calls for Low Density Residential on the subject property. The proposal complies with the General Land Use Map. The subject property is zoned R1-10. The new lot complies with the requirements of the R1-10 zone. These requirements include lot size, lot width and lot frontage, and the necessary improvements are proposed to be installed along the width of the new lot for both sides of the road.

Staff is comfortable with the signed agreement from the Wignalls to dedicate the additional future roadway when the Hullinger property developers. Staff only recommends that a note referring to the signed agreement for allowing the completion of 1180 North be included on the plat.

Supervisor Young asked if there were any questions. Council Member Call asked Supervisor Young if it was correct that it was against city code for a lot to have access on two different roadways. He said that lot #5 does have frontage on both 1180 North and 1100 North, according to the plat.

Mr. Josh Becker, representing the developer, explained that the owners wanted to make one lot at this time due to tax issues.

Council Member Call said that even if they split the property, it would still be illegal, if he understands the code correctly. He then asked how this got through the Planning Commission and Staff. Supervisor Young said that this was the first that this issue was raised with this plat.

Administrator Mills said that the Council had approved other plats with the same scenario as Council Member Call had raised. Mr. Becker added that a fence will be built behind the home, so it won't be used as an entrance. Council Member Boyd said that the lot should be considered a large, one acre lot without access from the back of the lot. She added that this is the same scenario as the Honey property.

Council Member Atwood affirmed that he also believed that if the approval of the plat was wrong, it was wrong. He asked that the ordinance be looked at to determine what it actually said. Council Member Call said that perhaps the ordinance needed to be changed. He asked if the ordinance could be looked at, also.

Mayor Daniels then indicated that Attorney Petersen was looking into the code so she could read the specific ordinance. He suggested that the Council go on to the next item until she was ready to address them. The Council agreed.

Please note: The following is the text of Attorney Petersen's findings on the City Code regarding this item.

Attorney Petersen, upon consulting with the City Code, said that in Title 11, Chapter 3, Sub-part 6, it does say, as Council Member Call had quoted, that it was illegal for a lot to abut with frontage on two streets. She said that the exception would be if the Planning Commission determined that it was topographically desirable.

Mayor Daniels said that according to the staff report, the Planning Commission had approved the plat. Council Member Call said he understood the reasons that the landowner wanted to create, at this time, one lot, but it still seemed, by City Code, to be illegal. He also said it looked like it had slipped by both staff and the Planning Commission.

Attorney Petersen, at this point, suggested that perhaps the plat needed to go back to the Planning Commission so they could send their findings back to the Council. The Mayor then asked for a motion.

ACTION: Council Member moved to send Roger Wise's request for a 2-lot subdivision with lot 2 being a flag lot, known as Wise Acres Subdivision, located at approx. 845 East 200 South, in the R1-10 (Single Family Residential, 10,000 sq. ft. lot area) zone back to the Planning Commission, asking for a full report as to why this lot is compliant. Council Member Jensen seconded and the motion passed with Council Member Atwood, Jensen and Call voting, "Aye," and Council Member Boyd voted, "Nay."

b. TO CONSIDER TO CONSIDER P.G. GATEWAY LLC'S REQUEST FOR THE APPROVAL OF A ROAD DEDICATION PLAT FOR THE PURPOSE OF RECORDING THE DEDICATION OF THE REMAINING WEST PORTION OF 220 SOUTH, AS IT CONNECTS TO P.G. BLVD, TO PLEASANT GROVE CITY. SAM WHITE'S LANE NEIGHBORHOOD

Supervisor Young explained that this item was concerning the road dedication plat along 220 South and Pleasant Grove Blvd, located in the Grove Zone. This final plat dedicates a .10 acre parcel to the City that falls within the 220 South Street right-of-way area.

The Pleasant Grove Gateway Offices development proposal was presented for review and approval in two separate items. The first is the road dedication plat, and the second is the site plan. The property on which this project is to be built does not require a further subdivision, but a small portion of the property is within the required road dedication right-of-way area.

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

ACTION: Council Member Boyd moved to approve P.G. Gateway LLC's request for the approval of a Road Dedication Plat for the purpose of recording the dedication of the remaining west portion of 220 South, as it connects to P.G. Blvd, to Pleasant Grove City. All Engineering requirements are to be met, and satisfied prior to the recording of the final plat. Council Member Jensen seconded and the motion passed unanimously with Council Member Atwood, Jensen, Boyd and Call voting, "Aye."

Please Note: Attorney Petersen was ready, at this point, to report on the code to the Council regarding Item A. The text of that discussion is added to the bottom of Item A in these minutes.

C. TO CONSIDER PG GATEWAY LLC'S REQUEST FOR CONDITIONAL USE PERMIT AND COMMERCIAL SITE PLAN APPROVAL FOR AN OFFICE COMPLEX LOCATED AT APPROXIMATELY 220 SOUTH PLEASANT GROVE BOULEVARD, IN THE GROVE ZONE. SAM WHITE'S LANE NEIGHBORHOOD

Following Mayor Daniels reading this item, Supervisor Young explained that representatives from PG Gateway, LLC, were requesting the Council to grant an approval for the construction of a new office building. This would include a Conditional Use Permit to allow for medical or dental practices. He also said that the Site Plan/Conditional Use Permit proposal said the development is to be called Professional Plaza at the Grove.

The zoning for the project is The Grove Commercial Sales Sub-district. It is located at approximately 220 South Pleasant Grove Blvd, and is comprised of 1.64-acres. The applicant proposes to construct a two story office complex that is to be located on the southwest corner of 220 South and Pleasant Grove Blvd, in the Grove. The applicant has undergone the appropriate steps in the application process, and is ready to progress forward.

The main access will be from 220 South, on the east end of the site. The applicant has obtained permission from the property owner directly south, to expand this access drive into the southern property, which will then be a shared access for when that southern property develops in the future. The site also proposes to construct a right-in/right-out access to P.G. Blvd on the west end. For the City to obtain the full right-of-way on 220 South, a Road Dedication Plat is to be approved and recorded by the applicant.

The overall Site comprises 1.64-acres. The proposed building is to be 18,786 square feet, and will be positioned within 25 ft. of both P.G. Blvd and 220 South; thereby meeting the required

setback from the street right-of-ways. the access drive with parking will be to the south of the building, away from the major roads, making this a well designed site, according to the goals and objectives of the ordinance for this zone. The following is a brief breakdown of key aspects of the Site:

- (Parking) – The applicant proposes to use 15,858 square feet for general office uses, and 2,928 square feet for medical/dental space. Based on the parking ratio for general office, (1/300) one stall per 300 square feet, fifty-three (53) stall are required, and based on the medical/dental ratio (1/200) one per 200 square feet of space, fifteen (15) parking stalls are required. If the applicant continues with the intent to house a medical, and or dental, then the total required parking is sixty-eight (68) stalls. Sixty-three (63) are required if the building was used completely for general office. The applicant has met the parking requirement providing a total of seventy-one (71) stalls. The required bicycle stalls have also been provided on the west side of the building.
- (Fencing) – No fencing is required for this proposed location.
- (Lighting) – The applicant is installing three street lights to City standards. The Grove requires on-site lighting when a Site has a parking lot with more than 10-parking stalls. There shall be one on-site parking light, and the applicant has promised that the light will be shielded, and the design shall be similar to the ones on the BMW site.
- (Fire) – Fire hydrants are illustrated on the Site Plan, and located according to ordinance. All drives meet the minimum access width required by the Fire Department.
- (Signage) – There are two project signs proposed for each side of the site where there is an access drive. The sign needs to be properly labeled as a free-standing sign, or a monument sign.

The applicant has provided a landscaping plan for the entire site. The total landscaped area is 25,350 square feet. The landscaping along the two public ways is to be bermed where parking is adjacent to the landscaped area. Twenty five trees are required; based on the ratio of one tree per one thousand square feet of landscaped area, with 30% of this total to be minimum 7' tall evergreens, making eight evergreens required. Not including the Japanese Maples, the landscaping plan has provided the required 25 trees, and an excess of evergreens with nine. The plan is ready for approval with a few minor corrections as follows:

- The 1-gallon, “Russian Sage” shrubs are to be a minimum 5-gallon in size.
- Instead of 4” bark mulch in all the planters, Staff is recommending a 3-4” river rock, per the request of the Director Walker. Bark tends to get into the City’s storm drain system creating additional maintenance.
- A note regarding the required irrigation, associated with the proposed landscaping, is to be provided by the Landscape Architect on the Landscape Plan. The note is to address where the irrigation is provided and who is responsible.

The proposed exterior elevations show a two-story office building with protruding columns from the bottom floor to the roof. The columns are to be finished with a 4" face brick with a reddish color. There is to be some EIFS (stucco) halfway up the building, between the windows, and the roof is to be composed of a seam metal, light brown in color. Additionally, there is architectural relief throughout the face of each side of the building, making the proposed design a well conceived plan. The overall height of the building is proposed to be about 35 ½ feet tall to the peak of the roof. Also, the dumpster enclosure is designed to match the proposed masonry of the building. Staff believes the building will be a nice addition to the high standards of the Grove area.

On May 16, 2007 the Design Review Board approved the Grove Zoning District, forwarded a positive recommendation to the Planning Commission for the approval of this site. JUB Engineering has forwarded a positive recommendation for the Commission to approve the site. All Final engineering is to be satisfied prior to issuance of a building permit. On June 14, 2007 the Commission granted the applicant Site Plan/Conditional Use Permit approval.

The City's General Plan Land Use Map designates this property for commercial/office use; therefore the proposed uses comply with the General Plan. The subject property complies with all the requirements of the Grove Commercial Sales Zone, if the remaining minor corrections listed by staff are met. The need for a Conditional Use Permit associated with the approval of this site is driven by the applicant's desire to set aside building space for medical or dental operations. The site has been designed to accommodate these uses if they are to be included as planned. Staff has no other concerns with this proposal.

Mayor Daniels asked about the roads coming into and out of the development. Supervisor Young said that in regard to the access road, there is an agreement in place with Mr. Dennis Baker, the adjoining property owner. He said there are still a few items to be worked out, but he said he felt it could be administratively approved.

Council Member Call asked about the difference in parking spaces for medical/dental occupants. Supervisor Young explained that medical/dental occupied space requires one parking space per 200 sq. ft. of office space. General office requires one per 300 sq. ft. He said the reason for this is because medical/dental space creates more traffic.

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

ACTION: Council Member Call moved to approve PG Gateway LLC's request for conditional use permit and commercial site plan approval for an office complex located at approximately 220 South Pleasant Grove Boulevard, in The Grove zone. Additionally, administrative approval can be given should the full street be added. Council Member Jensen seconded and the motion passed unanimously with Council Members Call, Boyd, Atwood and Jensen voted "Aye."

D. TO CONSIDER ROGER WISE'S REQUEST FOR A 2-LOT SUBDIVISION WITH LOT 2 BEING A FLAG LOT, KNOWN AS WISE ACRES SUBDIVISION, LOCATED AT APPROX. 845 EAST 200 SOUTH, IN THE R1-10 (SINGLE FAMILY RESIDENTIAL, 10,000 SQ. FT. LOT AREA) ZONE. SCRATCH GRAVEL NEIGHBORHOOD

Supervisor Young explained that this was a request being made by Mr. Roger Wise for the approval of a two-lot subdivision final plat at 845 East 200 South in the R1-10 zone. The acreage is 22,755 sq. ft or .52 of an acre.

The property is currently one lot with a house located on the south side of the property with frontage onto 200 South. The size of the lot is sufficient for the lot to subdivide, creating a second building lot; however, the lot is a narrow, deep lot that does not allow the lot to subdivide under standard subdivision requirements. A flag lot subdivision is the only way to subdivide the property at this time, he said.

After meeting with the Design Review Committee (DRC), he noted that the applicant was told that a variance would be required to create a flag lot. On September 26, 2006, the Board of Adjustment (BOA) granted a variance of four feet on the flag lot stem width requirement. The applicant went back to the BOA on October 19, 2006 and was granted a reduction of the lot width by 17 feet under the Historical Property Special Exception. With the variance granted, the subdivision is moving forward with the subdivision approval process.

The property is designated as a medium density residential land use area which permits the R1-8, R1-9 and R1-10. The property's zoning is R1-10. The proposed footage for both lots meet the minimum requirements for the zone with lot one being approximately 10,000 sq. ft. and lot two being approximately 12,755 sq. ft. Because the stem is a stem and not a common stem, it is included as par of lot two. He said that staff is comfortable with this because the vicinity shows that the property surrounding the property can develop in the future without the use of the stem.

He went on to explain that the property is a narrow, deep parcel that by standing alone can only be developed as a flag lot subdivision. While the surrounding property is vacant, the neighbor is not interested in developing at this time. The vicinity plan shows that the use of a flag lot on this parcel does not hamper the neighboring property's ability to develop a standard subdivision in the future. The engineering department reviewed the plat and recommended approval subject to meeting all of the final plat engineering requirements. Additionally, at a public hearing held on June 14, 2007, the Planning Commission recommended approval of the Wise Acres Subdivision preliminary plat with no added conditions.

Mayor Daniels then commented that he remembers that the property on the corner on 200 South and 800 East was approved with a flag lot for the same reasons as the current one is being made a flag lot. He wondered if this is good planning—that flag lots were created instead of two streets. He said he was concerned that flag lots were being created next to open acreage.

Supervisor Young said he agreed that this wasn't the best for planning. However, he said the City has to try balance, along with the applicant, the fact that they don't have control over adjacent properties. He said that the Mayor is right, that roads make the best sense for long-range planning. They do require vicinity plans, however.

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

ACTION: Council Member Boyd moved to approve Roger Wise’s request for a 2-lot subdivision with lot 2 being a flag lot, known as Wise Acres Subdivision, located at approx. 845 East 200 South, in the R1-10 (Single Family Residential, 10,000 sq. ft. lot area) zone. Also, with the following condition; 1. That all final engineering requirements are met. Additionally, with the findings; 1. That the necessary variances have been granted by the Board of Adjustment; 2. That the subdivision complies with the goals, policies and objectives of the General Plan; 3. That the subdivision complies with the development requirements of the R1-10 zone; 4. That the use of a flag lot within the development is necessary to allow for the development of interior areas that aren’t accessible at this time through the use of normal street standards. Council Member Call seconded and the motion passed with voice votes from Council Members Atwood, Jensen, Boyd and Call voting, “Aye,” ”

E. TO CONSIDER ROBERT SECRETAN’S REQUEST FOR FINAL PLAT APPROVAL OF A 4-LOT SUBDIVISION WITH LOTS 2, 3 AND 4 BEING FLAG LOTS, KNOWN AS SECRETAN ESTATES, LOCATED AT APPROX. 360 EAST 500 NORTH IN THE R1-8 (SINGLE FAMILY RESIDENTIAL, 8,000 SQ. FT. LOT AREA) ZONE. MONKEY TOWN NEIGHBORHOOD

Following Mayor Daniels’ reading of this item, Supervisor Young explained that the applicant is seeking approval of a four-lot subdivision final plat at approximately 360 East 500 North in the R1-8 zone. The lot is 1.34 acre.

The property currently has one existing home. The property is narrow along 500 North, but opens up at the rear of the property where this is sufficient ground for three more homes. Because the property is not wide enough for a standard city street, the applicant is proposing a common stem that will access the back of the property. The property is adjacent to the rear yards of several homes.

He went on to explain that the General Plan calls for Medium Density Residential in this area. He said this allows for the R1-8 and R1-9 zones. This zone and the proposed subdivision comply with the goals, policies and objectives of the General Plan. None of the lots in the proposed subdivision will be under 10,000 sq. ft.

The property really has no viable option for running a public road into the vacant ground to develop it. Additionally, the property is bordered on all sides by existing homes that have left no access. Removing a home is the only possible way for a road to access this land, but staff would deem that an impractical solution.

Engineering has reviewed the proposed preliminary plans and has recommended approval of the plat, subject to meeting all of the final plat requirements and final improvement drawing requirement prior to moving forward to the Council. At a public hearing held on April 12, 2007, the Planning Commission recommended approval of the Secretan Estates Subdivision preliminary plat.

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

ACTION: Council Member Call moved to approve Robert Secretan’s request for final plat approval of a 4-lot subdivision with lots 2, 3 and 4 being flag lots, known as Secretan Estates, located at approx. 360 East 500 North in the R1-8 (Single Family Residential, 8,000 sq. ft. lot area) zone with the condition that all engineering requirements are addressed. Also, with the findings; 1. That the proposed subdivision complies with the goals, policies and objectives of the General Plan; 2. That the proposed subdivision complies with the development requirements of the r1-8 zone; 3. That the use of flag lots within the development is necessary to allow for the development of interior area that aren’t accessible through normal street standards; 4. That the proposed subdivision will not be detrimental to the person or property in the area. Council Member Jensen seconded and the motion passed unanimously with Council Members Atwood, Boyd, Jensen and Call voting, “Aye.”

F. TO CONSIDER STEVE MADDOX’S REQUEST FOR COMMERCIAL SITE PLAN APPROVAL OF COPPER LEFE PHASE I COMMERCIAL, LOCATED AT APPROX. 1300 WEST STATE STREET, IN THE GROVE ZONE. SAM WHITE’S LANE NEIGHBORHOOD

Supervisor Young explained that in the previous Council meeting, the residential phase of Copper Lefe had been presented. He said this was the request by Mr. Steve Maddox for approval for the commercial Phase I of the development. The address is approximately 1300 West, on State Street in the Grove Zoning District. The site is comprised of 5.79 acres.

The applicant is requesting approval of the Commercial portion within Phase I of the construction plan for the Copper Lefe Mixed Use Development. Ordinance requires that Landscaping Plans and Architectural drawings are to be included with the site plan proposal; the applicant has supplied these items.

The main access phase 1 of Copper Lefe Commercial will be a full-access from State Street. The appropriate portion of the 1300 West right-of-way (ROW) is being dedicated to Pleasant Grove City, and the interior streets are to be cross-access easements for proper circulation. The applicant intends to install road improvements for the main access drive off State Street, because the clubhouse will be used as a sales office until the full project build-out. The access drive off of 1300 West is to be a right-in/right-out only.

A parking plan has been provided. For Office Building ‘B,’ the total required parking is 148 stalls. According to the parking plan, this exact number has been provided. The Retail Building ‘B’ is required to have a total of 92 parking stalls. Again, according to the parking diagram and site plan, this exact number has been supplied. A total of 25 stalls are required for Future Retail ‘C,’ and this requirement has also been met. The parking stalls at the south of Office Building ‘B,’ and adjacent to phase 1 residential, are to be shared parking.

The applicant proposes to construct two buildings; a large three-story office building, and an 18,000 sq. ft. retail building. The Future Retail ‘C’ building pad will come forward later as implied. The overall site comprises 5.79 acres. The construction of this site will be included with the recently approved phase 1 residential. The following is a breakdown of the site:

- (Fencing) – There is to be an 8 ft. tall pre-cast concrete wall installed around the west and south boundaries of the Makin family property, located in the northeast corner of the site.

- (Lighting) – The applicant shall provide on-site lighting that will be shielded to prevent glare to on-site and neighboring single-family and multi-family residential units.
- (Fire/ADA) – Fire hydrants are illustrated on the site plan, and located according to ordinance. All drives meet the minimum access width required by the Fire Department. Sidewalks have been provided throughout the site to adhere to ADA requirements.
- (Open Space) – The amount of open space required for a commercial project in the Grove Zoning District is to be a minimum 10%. The applicant has provided the 10%, and has been cooperative with city staff to provide this around the office and retail buildings.

The applicant has provided a landscaping plan specific to the Phase I commercial project area; which matches the overall the landscaping approved for the area on the overall project plan approved by the Planning Commission.

- (Trees) – The applicant is required to provide 53 trees, based on one tree per 1000 sq. feet of landscaped area, and 117 trees are provided. Sixteen evergreens are required, based on 30% of the total required tree count. The applicant has provided 17 evergreens at a minimum of 7 ft. tall. The trees have been clustered throughout the site as recommended by the Grove Zoning Ordinance.

Most of the ground coverings are sod and planter areas. The planter areas are reserved for around the buildings and perimeter of the Site. The landscaping along State Street will be bermed up 3 to 4 feet in height. The applicant has provided a large water fountain at the center of the roundabout in the main entry to the site.

The architecture and materials for the proposed buildings will be a combination of stucco and stone veneer with metal-seam roof tops for the retail building. These will be earth-tone in color and both buildings have a very pleasing architectural design.

The Design Review Board has reviewed all items concerning this development, and has given final approval. There will be on-site detention as illustrated on the site plan. This is located just east of the retail building. JUB Engineering has reviewed the plans, and has given a recommendation to move forward with Final Site Plan approval for this portion of the Phase I construction Plan. The proposal complies with the goals and objectives found within The Grove District.

The subject property is zoned Grove Commercial Sales. The proposal complies with the conditions and restrictions of the zone, and all other supplementary regulations. CC & R's have been submitted by the applicant for the City Attorney to review and approve prior to recording.

This phase 1 Commercial proposal is the first of several final plans that shall be brought forward, because of the number of commercial pads that the applicant is proposing to construct. Staff believes the development will not only be very attractive, but will provide a positive fiscal impact on the City's future tax base, he noted.

On November 9, 2006, the Planning Commission approved the entire 22.69-acre project area called the *Copper Lefe Mixed Development*. The Planning Commission granted an approval of a Construction Phasing Plan on April 12, 2007. A copy of the Plan has been included with this report. Phase I of the Plan comprises more than half of the Copper Lefe Development project area, with the Phase I Commercial being part of that area.

Supervisor Young asked if there were any questions. Council Member Boyd inquired if there was a artist's rendering of the landscaping. Supervisor Young said it was at the back of the packet.

Council Member Jensen asked how wide the road was to be. Supervisor young said a seven lane road is planed. He said there would be three lanes on each side with a middle turn lane. Administrator Mills asked if UDOT had signed off on the Highway 89 access. The applicant said that the State had signed off on this.

After further discussion, Mayor Daniels asked for a motion.

ACTION: Council Member Jensen moved to approve Steve Maddox's request for commercial site plan approval of Copper Lefe Phase I Commercial, located at approx. 1300 West State Street, in The Grove Zone with the conditions; 1. Any dead trees or plant material is to be replaced within one-year per ordinance. 2. That all Final Planning, Engineering, Public Works, and Fire Department requirements are met prior to recording. 3. That "Future Retail C" shall required Final approval when the applicant is ready to propose a building for that pad. Also, with the findings that; 1. The proposed Site Plan submittal complies with the Grove Zoning District requirements. 2. The City has received the CC & R's proposed for this development. 3. JUB Engineering has given a recommendation to move forward with a Final approval for the proposal. 4. The proposal shall have a positive impact on the City's future tax base. Council Member Call seconded and the motion passed unanimously with voice votes from Council Members Atwood, Boyd, Jensen and Call voting, "Aye."

G. TO CONSIDER THE REQUEST OF MAC OSWALD, DIAMOND RENTAL, FOR THE APPROVAL OF A ROAD DEDICATION PLAT FOR THE REMAINING RIGHT-OF-WAY OF 1300 WEST. SAM WHITE'S LANE NEIGHBORHOOD

Supervisor Young said this item is a request for approval of a road dedication plat in the Grove Zone Grove Commercial Sales subdistrict) at 1300 West State Street. It is comprised of .10 acres. Mr. Mac Oswald of Diamond Rentals is the applicant.

Diamond Rental has presented a plan and received administrative approval for their use of the former Timpanogos Animal Hospital on the corner of 1300 West and State Street. To provide for the required alignment of the improved 1300 West roadway, dedication of a small portion of 1300 West has been required.

This final plat dedicates a .10 acre parcel to the City that falls within the 1300 West Street right-of-way area. All Engineering requirements are to be met, and satisfied prior to the recording of the final plat. Supervisor Young asked if there were any questions. There were none. Mayor Daniels then asked for a motion.

ACTION: Council Member Jensen moved to approve the request of Mac Oswald, Diamond Rental, for the approval of a Road Dedication Plat for the remaining right-of-way of 1300 West; with the following conditions; 1. That all final Engineering requirements are met. Also, with the findings that; 1.The proposed subdivision complies with the goals, policies, and objectives of the General Plan. 2. The proposed subdivision complies with the development requirements of The Grove Zone –Grove Commercial Sales subdistrict. 3. The road dedication has been given a recommendation of approval from City Engineering. Council Member Call seconded and the motion passed unanimously with voice votes from Council Members Atwood, Jensen, Boyd and Call voting, “Aye.”

H. TO CONSIDER ADOPTION OF A RESOLUTION APPROVING THE 2007/2008 CERTIFIED TAX RATE

Administrator Mills explained to the Mayor and Council that as the budget is put together each year, the county sends a formula as well as evaluation of the Certified Tax Rate. He said this year’s rate is .001608. He said last year’s rate was .000913. Mayor Daniels said it was good that taxes had gone down. The Mayor asked if there were any questions. There were none. He then asked for a motion.

ACTION: Council Member Jensen moved to approve adoption of Resolution No. 2007-033 approving the 2007/2008 Certified Tax Rate. Council Member Call seconded and the motion passed unanimously with voice votes from Council Members Atwood, Jensen, Boyd and Call voting, “Aye.”

I. TO CONSIDER ADOPTION OF A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH TROPHY HOMES REGARDING STORM WATER IMPACT FEES FOR THE MAYFIELD DEVELOPMENT

Attorney Petersen indicated that this resolution was authorizing the mayor to enter into an agreement with Trophy Homes for the Mayfield Development regarding the Storm Water Impact Fees. She said this is a unique situation. Mayfield will be assessed storm water impact fees by Pleasant Grove City. She added that the impact fees are also figured by American Fork City because they are also part of the regional storm retention group. She said that Trophy Homes intended to protest, but instead, they and the City Engineer came up with an agreement. They will deposit \$66,902 for Phase I. Once the figures do come in on their impact fees, they can protest, she said. In the meantime, she said that the figure they will be depositing (between Phases 1 and 2) will be a total of \$113,000. If the impact fees don’t come through in over two years, she said Trophy Homes can exercise their right to appeal.

ACTION: Council Member Call moved to approve Resolution No. 2007-034, authorizing the Mayor to sign an agreement with Trophy Homes regarding storm water impact fees for the Mayfield Development. Council Member Jensen seconded and the motion passed unanimously with voice votes from Council Members Atwood, Jensen, Boyd and Call voting, “Aye.”

8. STAFF BUSINESS

- Director Giles noted to the Mayor and Council that August 14, 2007 is one of the last days left in the summer that hasn't been taken at the swimming pool. He asked if the City Party could be held on that night. He added that the work session would need to be cancelled for that night. The Mayor and Council agreed that the party would be good on that evening; and it was okay to cancel the work session for that night. Next, Director Giles asked the Council stop by and look at the hand-made pottery that Mr. Dennis Zupan made for those awarded the Yard of The Month by the Beautification Commission members during June, July and August of this year. He said it is sitting next to Deputy Recorder Burgin's desk.
- Supervisor Young reported that he had met with Mr. John Q. Hammons and Ensign Engineering in the past week regarding the large development Mr. Hammons is bringing into Pleasant Grove. He said the groundbreaking is currently planned for around August 22, 2007. He said there are now, "strong wheels moving forward!" Mayor Daniels thanked everyone for their hard work on the project.
- Attorney Petersen asked that a brief executive session be held at the end of the regular session regarding pending litigation and real estate. The Mayor and Council said that would be fine.
- Administrator Mills reported that himself and Council Member Atwood had attended a meeting regarding the widening of Geneva Road. He said the minimal amount of homes that will be affected will be 17. He said he would keep the Council apprised of the progress with subsequent meetings. He added that it will take awhile before actual movement takes place on the project.

The second item Administrator Mills brought forward was the fact that on Friday, July 13, 2007, work had begun on 2000 West. He said the "clock was ticking" on the project, and work needed to be completed within 110 working days. He said the landscaping will take place next spring, 2008. He said that all five phases will be completed with curb, gutter and asphalt. Additionally, the sewer is being bored under the railroad tracks on highway 89.

Next, he said that Mr. Kent Wells will be retiring on September 10, 2007. He said his position is in the process of being advertised.

He next said that Lindon City had called him and said they wanted to set up a meeting with the two Councils concerning public safety. He said that the new Mayor, Jim Dain, would like to discuss some issues. Mayor Daniels said that he was told that they just wanted to have the elected officials attending the discussion.

Council Member Call asked if there was really a need for a meeting, since Lindon had decided to continue to contract with Pleasant Grove. Mayor Daniels answered that when the two councils last met, it became clear during the meeting that the two Council's understandings and the Staff's understandings were different. He said that their Council and Mayor Ascerson were concerned and expressed their desire to meet with the elected

officials. Mayor Daniels, however, said that he would like to have Pleasant Grove's Attorney and City Administrator at such a meeting. Council Member Jensen agreed. He said the Council had not come up with the facts and figures, and he felt that the Staff should be at the meeting. Mayor Daniels asked Administrator Mills to let Lindon City know that Wednesday, July 25, 2007 would be the best date for Pleasant Grove's Council.

9. MAYOR AND COUNCIL BUSINESS

- Council Member Boyd reported that the Heritage Festival was coming right along. She said she needed input from the Council as to the Community Service Awards. The Council told her that the Heritage Festival Committee could choose the recipients of the awards this year.
- Council Member Jensen noted that he and Director Giles would be attending another meeting on the Utah Lake Committee. Also, he said that work on the Fox Hollow Golf Course is proceeding along. He indicated that the areas where the new irrigation system is now working is looking really good. Administrator Mills asked about the new clubhouse. Council Member Jensen said it will be coming along soon. He said it had been a bit delayed due to funding problems.
- Council Member Call said that he had a great opportunity to meet with Director Bradford and Mr. Hammons in a tour around Pleasant Grove and Utah Valley. He said he felt the meeting was beneficial to both parties.
- Mayor Daniels asked what was going on with the Falcon View development and the question of trees, etc. He also asked if there was a plan to terrace the last lot in the subdivision. Supervisor Young said he wasn't sure about the terracing, but he would check on the issue.

The Mayor next reported that he had met with Mr. Hammons, also. He said the groundbreaking for the project is now slated toward the end of August, 2007. This will be the kick-off for both the hotel and the convention center. He said there will be a lot of invitations going out for the event. He also noted that Mr. Hammons agreed that the lifestyle retail portion of the development will not be going in until after the hotel and convention center are completed.

Mayor Daniels asked who had applied to run for the three open Council seats. Administrator Mills said Bruce Call, Cindy Boyd, George Church, Jeff Wilson, Richard Ables, Peter Bowen, Barbara Wells and Erin Daniel had signed up to run. The Mayor said he noticed that the primary election was slated for September 11, 2007, followed by the general election in November. He said by the time the application closes and the Council is able to interview the candidates for Darold McDade's position, he is concerned that it would be a very tight time frame with the upcoming election. He said he spoke with Attorney Petersen, and according to State Law, his position does not have to be filled. He said the year can be finished out with the current four Council Members. He then said he was throwing out the idea as to whether the Council did or didn't think it

would be necessary to fill the position. He asked that the Council Members get in touch with him individually and let him know what they thought.

Mayor Daniels asked that the Council go into a brief executive session discussing personnel at the end of the regular meeting.

10. SIGNING OF PLATS

No plats were signed

11. REVIEW CALENDAR

Mayor Daniels reminded those present that the next meeting would be held July 31, 2007, due to July 24, 2007 being a State holiday.

12. APPROVE PURCHASE ORDERS

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

EXECUTIVE SESSION TO HOLD A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY (UCA 52-4-5(1)(a)(iv)) AND TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION (UCA 52-4-5(1)(a)(iii)); ALSO TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL (UCA 52-5(1)(a)(i)).

ACTION: At 8:33 p.m, Council Member Call moved to go into executive session to hold a strategy session to discuss the purchase, exchange or lease of real property (UCA 52-4-5(1)(a)(iv)), pending or reasonably imminent litigation (UCA 52-4-5(1)(a)(iii)) and the character, professional competence or physical or mental health of an individual (UCA 52-5(1)(a)(i)). Council Member Jensen seconded and the motion passed unanimously with Council Members Call, Boyd, Jensen and Atwood voting, “Aye.”

ATTENDING:

Mayor:

Mike Daniels

Council Members:

Cindy Boyd

Mark Atwood

Lee Jensen

Bruce Call

Others:

Frank Mills, City Administrator

Tina Petersen, City Attorney

Mary Burgin, Deputy Recorder

ACTION: At 9:20 p.m, Council Member Call moved to go back into regular session and to authorize using Eminent Domain, if necessary. Council Member Jensen seconded and the motion passed unanimously with Council Members Call, Boyd, Jensen and Atwood voting, “Aye.”

13. ADJOURN: At 9:24 p.m. Council Member Boyd moved to adjourn the meeting. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Jensen, Boyd and Call voting, “Aye.”

This certifies that the City Council
Minutes of July 17, 2007 are a
true, full and correct copy as approved
by the City Council on August 7, 2007

Signed _____
Mary Burgin, Deputy Recorder