

**Joint Meeting of the Pleasant Grove
City Council and Planning Commission
August 24, 2010
6 p.m.**

The City Council and Planning Commission met in the City Council Chambers, at 86 E. 100 S. Pleasant Grove, Utah at 6 p.m.

PRESENT:

Mayor:

Bruce Call

City Council:

Excused: Council Member Kim Robinson

Val Danklef

Lee Jensen

Jeff Wilson

Cindy Boyd

Planning Commission:

Rob Rainaldi

Heather Pack

Brent Skipper (left the meeting at 7:10 p.m.)

Gail Christiansen

Curtis Miner (left the meeting at 6:30 p.m.)

Steve Shrader (came into the meeting at 7:00 p.m.)

City Staff: Scott Darrington, Tina Petersen, Ken Young, Richard Bradford, Sean Allen. Cory Fralick, Kathy Kresser and Libby Flegal.

1. Call to Order: Mayor Call welcomed members of the City Council and Planning Commission to the meeting. He also welcomed members of the City Staff.

2. Pledge of Allegiance: By Scout Jake Robb.

3. Opening Remarks: By Council Member Wilson.

Mayor Call commented that before we start the meeting he would like to inform that Council that he has received a letter from Planning Commission Member Curtis Miner offering his resignation due to the fact that he has another commitment that will take him away on Thursday nights. The Mayor said that he has accepted Mr. Miner's letter and then gave him a few minutes to speak.

Mr. Miner said that it has been a wonderful experience being on the Planning Commission and has learned how it is to be on the other side of the table as development has come through. He also said that he has really enjoyed working with the Planning Commission members and Staff.

Mayor Call then thanked Mr. Miner for his service. The Mayor then said that he has asked Planning Commission Member Brent Skipper, who is an alternate at this time, to step up and finish out Mr. Miners term. Mayor Call then asked the Council to start thinking of people who could serve on the Commission as an alternate member and email him or call him with those names. City Attorney Petersen informed the Mayor that the official appointment will need to be taken care of at the next City Council meeting.

4. Discussion on Kiwanis Park concept-Deon Giles

City Administrator Scott Darrington indicated that this item will have to be moved to another date because Leisure Service Director Deon Giles had personal business he had to attend to.

5. Discussion on Accessory Apartment Code changes

6.

City Administrator Darrington stated that the accessory apartment issues have been going on for a long time and hopefully with this proposed ordinance it will be completed. He then said that tonight's discussion is basically to update the Planning Commission about the ordinance. City Administrator Darrington then said that there are several code changes that need to be addressed in order to get the accessory apartment policy in place. The policy won't be in the ordinance, but just policy that we will follow, but in order to make the policy effective we will need to make some changes to the code. He also indicated that the Planning Commission will consider this item at their September 9th meeting and then it will come before the Council after that, possibly at the September 21st meeting.

City Attorney Petersen commented that what is being proposed tonight is an amendment to Chapter 10-6-2 which is the definition section of the code. She then said that she added a couple of definitions to this section. One definition is that of an "accessory apartment" another one is the definition of "caretaker," the next one is the definition of "personal care provider," and the last one is the definition of "family." There has been a change in the State code that defines what a family is and this ordinance will reflect that code change. She also stated that she has added a line in the purpose and objective section that says "Accessory apartments are not permitted in any single-family residential zone except as outlined in Section E "Accessory Uses and Structures" of this Chapter. Attorney Petersen then said that she has also added to Chapter 10-9B-2E "Accessory Uses and Structures" by providing an exemption for caretakers and personal care providers. This is in response to the feelings that were brought out in the public hearing meeting in regards to some individuals with a hardship that need to have an extra person living with them to help around the house or to do yard work. In those instances they will be allowed to have an accessory apartment in a single-family dwelling in an R-1 zone. It does require that the individual needing the caretaking or personal care provider get a letter from a healthcare provider stating the need for that person to be living in the house. This letter will not run with the land so when the home is sold the new owner will have to come in and show the city a letter from their health care provider stating that they need the extra help. This could bring up some situations where the new home owner

could come in and say that they bought the home because the apartment was there and they thought they could use it as an accessory apartment. To take care of that kind of a situation when the accessory apartment is approved then the city will file with the county a Notice stating that the use doesn't run with the land. Attorney Petersen did say that the one thing that she hasn't done yet, because she wanted to get feedback from the Council, is this ordinance amends the R-1 single family residential; it does not amend the RR zone. The RR zone is a completely different section, but if Council would like to include the RR zone she would be willing to create an ordinance for that zone.

Director Young said that his feedback would be that there are a lot of situations in the RR zone that would be very similar with the situations and concerns as we have in the other zones. So far we have not separated out the RR zone from the discussion; we have discussed all of the residential zones as a general category. Council Member Boyd replied that the difference between R1-20 and the RR zone is just a few feet, and most of the lots in the RR zone are closer to the R1-20 designation. Attorney Petersen stated that she would go ahead and create an ordinance for the RR zone.

Mayor Call commented that in his mind he always thought that caretakers and personal care providers are the same thing. He said that he didn't feel too comfortable having caretakers in the ordinance because that could create a loophole for people to say that they can't take care of their yards so they need someone to come and live with them to do that. Attorney Petersen said that she had the same concern until she looked up the definition and it says that a caretaker is someone who takes care of the property and a personal care provider is some who takes care of the individual. Their duties may cross over, but if the Council and Commission do not want to include the caretaker then she could take that out. She also indicated that the individual will still have to get a letter from the doctor stating that they need a caretaker, meaning that the individual might be able to take care of their personal needs but cannot go out and take care of the yard. Council Member Boyd said that there could be a need for both.

Mayor Call asked what kind of recourse does the City have to regulate this. Attorney Petersen replied that it could be considered a zoning infraction and would be taken care of through that process. If we are concerned that someone might take advantage of the system we could make it more restrictive. Council Member Jensen retorted that he felt that the ordinance was restrictive enough. It seems like everything that we do in the City has to be regulated by ordinance and he said that he is not in favor of this at all.

Council Member Jensen then said that he can see another loophole with the ordinance where it says "the Council desires to provide an exemption to the prohibition in certain circumstances where property owners may have a hardship." He then used the example of what if someone as a financial hardship and can't afford the home and needs an accessory apartment with extra income so they can afford the home and wants an exception that is the hardship. Attorney Petersen replied that the "whereas" in the ordinance is creating the policy or the reason why. The body of the ordinance says that the only way to have a personal care provider is to have a letter from a health care provider; it is not for a financial hardship.

Planning Commissioner Skipper said that he had a question on page two of the ordinance, where it says that “a homeowner/head of household and up to four (4) related or unrelated persons” does that mean that since he is the head of the household then he can have 4 of his buddies come and live with him, so 5 related or unrelated people can live in the home? Director Young responded that the total should be up to four so the wording will have to change to reflect that. Council Member Jensen question why does it say “related.” Mayor Call explained that you could have two people that are married and then have two people that aren’t related and by State definition that is “family” so the wording “related” needs to stay in the ordinance.

Council Member Jensen asked about a detached building. Could a cottage that is being rented out back could be considered an accessory apartment. The Mayor replied that it would.

Administrator Darrington commented that for the Planning Commission’s information there are some supplementary things that will need to be discussed and that is the enforcement of this ordinance. So when looking at both ordinances it will show how things are going to work out.

Mayor Call voiced his concern about including grandfathered apartments in the ordinance. Attorney Petersen replied that the City could include a resolution declaring what the policy is for illegal accessory apartments. Council has instructed staff as to what they would like to have done with the illegal accessory apartments enforcement and that is to handle them on a complaint basis. Accessory apartments are illegal in the City and discussion about grandfathering them in is not appropriate given the councils previous discussions.

City Administrator Darrington suggested that if we are going to send out the message that accessory apartments are not allowed we can do this through the city newsletter that goes out with the utility bills, and we can put it on the city website, but if we do that then it would be good to pass a resolution stating that this is our enforcement policy. He then said that whether this is done by resolution or not we really need to get the policy out to the public so they will know what is coming before them. Attorney Petersen agreed and said that she didn’t want the misunderstanding of: “if you already have any accessory apartment it is okay and we are never going to do anything about it.”

Attorney Petersen then commented that the next issue is the Administrative Code Enforcement ordinance. It is establishing an administrative procedure for enforcing the code. It also establishes a process for the Council to select a hearing examiner for appeals for accessory apartment violations. It is not as detailed as some of the other cities are but the basic premise is to provide another tool for the code enforcement officer to be able to use an administrative citation as well as a criminal one. Currently in our code we provide for that, we say they can do one or the other but we haven’t set out a civil process. This details the process, it provides the process for proper notice, it provides for an appointment for the hearing examiner, and it provides for the appeal process.

6. Discussion on the Grove Interchange Zoning

City Administrator Darrington stated that this is something that the Council has been working on for a while and it is just a matter of getting the Planning Commission up to speed as to what is being proposed for the Grove Interchange area. He then said that one of the things that Planner Allen has been asked to do is look at the design features and requirements that we are going to use and that might affect the uses that will be allowed. He then gave an example of someone wanting to come in with a hardware store and we decide that that is not something we want in the area, but maybe we would feel differently if the store meets the design standards and looks nice. That is something that we want to look at until the ordinance is adopted. There is another issue that has come up with the Economic Development Committee and that is to bring in a consultant who is an expert at taking a piece of raw land or property and doing an analysis to say that this is the type of use that the city would most likely get. In essence they would come to us and say that these are the types of businesses that would be a good fit in the whole Grove area not just in the Interchange zone. This person would have more expertise than what we have on Staff to help determine this. He then stated that he felt like we should continue on with what we already have and then have further discussion about a firm that could be brought in. He said that he didn't want to lose momentum because there are some critical things that the Staff needs to get into place to make sure that the vision of what the city wants accounted for. City Administrator Darrington then turned the time over to Planner Allen to show the Council and Commission what he has come up with for this area.

Planner Allen indicated that he would like to focus on three components that would enhance the beautification of developments that come in. The three components are: 1) usable open space 2) architecture of the buildings and 3) landscaping. He then said that he has taken pictures of developments that other cities have done and just targeted the ones that have recently had success with commercial development. Planner Allen proceeded to show the Council and Commission the pictures that of developments that he has taken in the Sandy, Bountiful, Sugarhouse, Draper, Riverdale Road in Ogden, and University Blvd in Provo areas.

Attorney Petersen asked if the pictures that are being showed are close to what our ordinance currently is. Planner Allen replied that they are.

Planner Allen pointed out that a lot of these developments have done a great job in laying things out by allowing the retail and restaurants to have visibility right off the road and then having the big box stores and signage toward the inside of the development.

City Administrator Darrington commented that even though we can see the backs of the buildings they have designed them with awnings to make them look like the front of the buildings also.

Then Planner Allen said one thing that Bountiful has done that he would like to implement in the Grove is an open space type feature. What they have done in between

parking rows is in essence a sidewalk that has a water feature and sculptures so you can walk between developments.

Planner Allen indicated that at the Sugarhouse development there is a large open space between the office and retail which could be used as a detention basin. He also said that Draper has retail fronting the main entry point with big boxes towards the middle. This is turning out to be a common reoccurring design.

Staff next discussed the landscaping setbacks and requirements. Planner Allen said that the current setback for a landscape buffer is twenty five feet (25') just about anywhere in the Grove area with the exception of in the Interstate subdistrict which is forty feet (40') and the buffer has to be fifty feet (50'), however, within our city we measure the setback from the top back of curb "tbc." This is something that was changed two years ago to be more flexible. Depending on the development and what their needs are and we find a situation where they need to come closer to the road then we can do that as long the whole area meets the average. City Administrator Darrington questioned if this requirement would be for multiple buildings coming in? What if just one building wants to come in? Planner Allen responded that it really depends on the site plan. He then said that other key elements are thirty percent of the landscaped area has to be evergreens, that way we maintain a certain standard of trees. There is a minimum five foot park strip for the street buffer but the Council has to option to reduce that buffer by five feet if the developer enhances the landscaping and the architecture. There are also screening requirements between uses of differing intensity that will have to be met.

Planner Allen then discussed the open space requirements. The current requirements are ten percent gross of non-residential site areas and a twenty five percent for multi-family residential area. These areas are encouraged to be usable to the public. It has been more difficult to meet these requirements because there have been more single developments that have come in. We are looking to meet this requirement through a master plan of the parcel instead of individual sites. City Administrator Darrington questioned what would happen if a single developer came in; would we lose our open space? Planner Allen replied that we could, that is something we need to look at. City Administrator Darrington suggested that we look at the ordinance to figure out a way to tighten it up.

The discussion went on to the design standards for the zone. The Grove zone has been divided into different design standards. The design standard for the Interchange is called the Grove Junction District. In that district the theme is contemporary "green" which would require more environmentally conscious materials. Planner Allen said that the emphasis is being able to apply contemporary architecture using "green" building design techniques for a more vibrant, tasteful, entertaining and visually pleasing environment. He then showed drawing of what the building could look like.

City Administrator Darrington commented that so far it looks like the one thing that needs to be addressed is the open space for the single site development. Council Member Boyd agreed, we need to start master planning the area so we will get better results when the economy turns around and we have developers starting to look at this area again. City

Administrator Darrington replied that that is where the consultant that we are looking at would be beneficial in helping us to get a master plan going in the area, so if we do have a single site development come in, the firm could help us determine what we would require them to develop so that we get the master planning that we want.

Council Member Boyd commented that all of the developments that we have looked at tonight, the developments are not located off of the freeway they are located off of a State Street. We keep saying that we want our interchange to be different but we are not willing to give up the big box developments. We need to look at where the big boxes can fit in our City. We can move them up the boulevard or up to State Street. We don't need to have the big box look coming off of the interchange.

Planner Allen commented that it has become evident that if you want to draw the people in you need to have the big boxes and the malls. He agreed with Council Member Boyd that we do want the Interchange and the whole Grove area to be the best interchange here in the Wasatch front, but we may have to sacrifice for the big boxes, but we have to make sure the project looks nice.

Mayor Call asked if the City is talking about bringing in a consultant? City Administrator Darrington replied that we are. This person has worked with West Valley and he comes with the advice from of a couple of real estate agents that we have talked to. This firm has knowledge of laying out retail, commercial, office and maybe mixed use projects. We would do a Request for Proposal (RFP) so we are not just picking a firm and paying them a certain amount of money, with the RFP we might find someone who would do a better job, we won't know until we do the RFP.

Council Member Jensen asked if the City is required to do an RFP? Administrator Darrington replied that we are not for professional services. Attorney Petersen interjected that we are doing the RFP to see what is out there and it will articulate the criteria that we are looking for.

Council Member Danklef asked what the cost would be to have a consultant come in. Administrator Darrington replied that West Valley paid forty thousand dollars. If the City is looking at more property than what West Valley had then the cost maybe higher. Council Member Danklef wondered if there is money left over from the architects doing the downtown area that we could use for this project. Administrator Darrington responded that that money needs to stay within the downtown area.

Planner Allen asked if he could get back to the setback buffer requirements. Does the Council like the setbacks of the buffer that is required or would you like to see the building set closer to the road. We can make it so if they come closer to the road we can require more open space. Council Member Jensen asked what roads are we talking about. Planner Allen replied that the setbacks could be used with any of the roads in the project area. Council Member Danklef replied that he liked the look at the Sandy project. Council Member Boyd said that it doesn't matter which road we talk about we just need to make it consistent.

Administrator Darrington questioned the Council about how much further would they like Staff to go until we bring in the consultant. We do need to get something in ordinance form soon because of the possible future developments and it would protect the area. He then reviewed a few of the items that were discussed for the Grove area.

Staff and Council discussed the process for approval in the Grove zone. It was determined that the approval should go through the Planning Commission and then to City Council whether it is a permitted use or a conditional use.

7. Discussion on the proposed Cedar Hills Annexation Policy Plan

Administrator Darrington presented to the Council a letter and map of the Cedar Hills annexation policy plan. According to the map Cedar Hills is dealing more with American Fork and Highland than Pleasant Grove but one thing that caught the attention of the City is the map shows some of the Pleasant Grove area is available for a boundary adjustment. After discussing this with the City Attorney it was felt that a boundary adjustment does not need to be part of an annexation policy plan. He said that he didn't think that the intent of Cedar Hills is to force anyone into Cedar Hills but the City Attorney's concern is that if this area is shown on the annexation policy plan that that might give it some legal juice even though it is not part of the plan. If there is any contention then it might give Cedar Hills an edge for annexing property. He then said that most all of this was approved back in 2003 and the only reason that Pleasant Grove is being notified is because they are opening their plan back up to account for some of American Fork's and Highland's property. Administrator Darrington then asked Council if they felt there was a need to have someone from Staff go to the meeting and declare concerns about the annexation map that shows part of Pleasant Grove's area. Attorney Petersen said that it would be beneficial to the City to have someone there to voice the concern of the City and then follow up with a letter. The Council agreed with this.

Administrator Darrington asked the Council if they wanted to hear from Greg Robinson, Assistant City Administrator. The Council agreed to this.

Mr. Robinson stated that Cedar Hills doesn't want to force anyone to come into the city or any city that they don't want to be in. We are just trying to clean up the border and see where we are at. He then invited the Council to come to their council anytime to see where they are at.

Administrator Darrington commented that he had met had met with Conrad and Dave Bunker from Cedar Hills today and there was a discussion about putting sewer in the north area of the city. We have more research to do before this happens but our intent is to provide services for our citizens.

8. Mayor, City Council, Planning Commission and Staff Business

- Administrator Darrington commented that there will need to be an executive session when this meeting is over to discuss a legal matter.

- Libby Flegal, Neighborhood Advisory Board Chair, commented that there will be a Manila Neighborhood meeting to discuss the White Church on 2600 North and what is happening with that project.
- Planner Allen also commented that the Bott's that has purchased the building has been to the DRC for approval and things are going very well. Director Young agreed and said that it was a good meeting and there are good things moving forward with the project. There will be some issues that will need to be worked out concerning code requirements and both sides will need to work together to meet our goals.
- Director Bradford asked if everyone had received an invitation to the open house at Continental Pipe. The Council said that they had. He then mentioned that in the Grove area a couple of weeks ago he reported that there were four hundred sixty six jobs and today there are five hundred fifty jobs. The smaller businesses are growing.
- Recorder Kresser reminded the Council if they would like to register for the Utah League of Cities and Towns, please do so today so we can get the registration paid for.
- Council Member Jensen asked when the recycling program started and how many residents have signed up. Administrator Darrington replied that the program started June 2nd and that there are about four thousand five hundred residents that have opted in.
- Council Member Wilson thanked Cory Fralick for the great job that he and the other employees are doing in making the Council look good.

The Mayor then called for a motion to go into executive session.

**9. 9. Executive Session to Discuss Pending or Reasonably Imminent Litigation
(UCA 52-4-205(1)(c))**

ACTION: Council Member Wilson moved to go into Executive Session to discuss pending or reasonably imminent litigation. Council Member Danklef seconded the motion passed unanimously with Council Members, Wilson, Jensen, Danklef and Boyd voting "Aye." At 7:46 p.m. the Council went into executive session.

PRESENT:

Mayor:

Bruce Call

City Council:

Val Danklef

Lee Jensen

Jeff Wilson

Cindy Boyd

STAFF:

Scott Darrington, City Administrator

Tina Petersen, City Attorney

Richard Bradford, Economic Development Director

Kathy Kresser, City Recorder

ACTION: At 8:03 p.m. Council Member Wilson moved to go back into regular session. Council Member Jensen seconded and the motion passed unanimously with Council Members Wilson, Jensen, Danklef and Boyd voting “Aye.”

10. Adjourn

MOTION: At 8:03 p.m. Council Member Wilson made the motion to adjourn. Council Member Jensen seconded the motion, and the motion passed unanimously.

This certifies that the Joint Session Minutes of August 24, 2010 are true, full and correct copy as approved by the City Council and the Planning Commission.

Mayor Bruce W. Call

Date

Pl. Comm. Chair Steve Shrader

Date

City Recorder Kathy T. Kresser

Date