

**Pleasant Grove City
City Council Regular Meeting Minutes
February 20, 2018
6:00 p.m.**

PRESENT:

Mayor: Guy Fugal

Council Members: Dianna Andersen
Eric Jensen
Cyd LeMone
Lynn Walker
Todd Williams

Staff Present:

Scott Darrington, City Administrator
Tina Petersen, City Attorney
Denise Roy, Finance Director
Marty Beaumont, Public Works Director
Deon Giles, Parks and Recreation Director
Sheri Britsch, Library and Arts Director
David Larson, Assistant to the City Administrator
Dave Thomas, Fire Chief
Mike Smith, Police Chief
Daniel Cardenas, Community Development Director
Kathy Kresser, City Recorder

The City Council and Staff met in the Library at 30 East Center Street, Pleasant Grove, Utah.

1) **CALL TO ORDER**

Mayor Fugal called the meeting to order and noted that all Council Members were present.

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Finance Director, Denise Roy.

3) **OPENING REMARKS**

The opening remarks were given by Police Chief, Mike Smith.

4) **APPROVAL OF MEETING'S AGENDA**

City Administrator, Scott Darrington, stated that an Executive Session was needed at the end of tonight's Regular Session.

ACTION: Council Member LeMone moved to approve the agenda with the aforementioned change. Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

5) **OPEN SESSION**

Mayor Fugal opened the open session. There were no public comments. The open session was closed.

6) **CONSENT ITEMS**

- a) **City Council Minutes:
No Meetings at this Time.**
- b) **To Consider Approval of Final Payment No. 6 and Change Order No. 6 to Geneva Rock for the FY 2016-17 Street Improvement Project.**
- c) **To Consider Approval of Payment Approval Reports for (February 8, 2018).**

ACTION: Council Member Jensen moved to approve the consent items. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

7) **BOARD, COMMISSION, COMMITTEE APPOINTMENTS**

- A) **TO CONSIDER FOR APPROVAL THE REAPPOINTMENT OF LISA COOMBS AS A PLANNING COMMISSION MEMBER, SAM SANDERSON AND DUSTIN PHILLIPS AS REGULAR PLANNING COMMISSION MEMBERS, AND TAMARA OBORN AS PLANNING COMMISSION ALTERNATE 1, AND BOBBI JO BLAKE AS PLANNING COMMISSION ALTERNATE 2.**

Mayor Fugal reviewed the above stated appointments. Ms. Oborn was present and introduced herself. She was pleased to be serving.

ACTION: Council Member LeMone moved to approve the reappointment of Lisa Coombs as a Planning Commission Member, Sam Sanderson and Dustin Phillips as Regular Planning Commission Members, and Tamara Oborn as Planning Commission Alternate 1, and Bobbi Jo Blake as Planning Commission Alternate 2. Council Member Williams seconded the motion. The motion passed with the unanimous consent of the Council.

8) **PRESENTATIONS**

- A) **LEADERSHIP ACADEMY GRADUATES. *Presenter: Administrator Darrington.***

Administrator Darrington explained that this is the seventh iteration of the Leadership Academy. The curriculum includes a book about Earnest Shackleton, a captain who led an Antarctic expedition in the early 1900s. Those participating take turns teaching about a leadership principle

showcased in the book. At least 70 of the City's employees have taken this training over the past couple of years. He recognized the most recent graduates as Troy Snow, Shawn Nielson, June Purdie, Julie Henry, Jacob Pattersson, Colter Peacock, Brian Patten, and Andy Torgerson.

Mayor Fugal asked how many hours of training are involved with the academy. Administrator Darrington stated that the group meets two hours per week for eight or nine weeks for a total of approximately 20 hours. They try to have representation from all departments. He considered it to be a great opportunity for coworkers to get to know one another.

9) **PUBLIC HEARING ITEMS**

A) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2018-7) TO CREATE AN OVERLAY ZONE THAT PROVIDES FOR FLEXIBILITY IN CREATING MASTER-PLANNED COMMUNITIES THAT INCORPORATE COMMERCIAL AND MIXED-USE BUILDINGS AS WELL AS A VARIETY OF HOUSING TYPES; AND PROVIDING FOR AN EFFECTIVE DATE. (CITY WIDE) (David Runnells Applicant) Presenter: Director Cardenas.

Community Development Director, Daniel Cardenas, presented the staff report which included the proposed text amendment, maps, and images. He explained that in the last few years, Pleasant Grove City has considered the land use designation of The Grove as the area of the City that will represent the City in terms of high architectural standards and landscape design.

Eventually, The Grove area was divided into three different subdistricts identified as Mixed Housing, Commercial Sales, and The Interchange, some of which served the following purposes:

- The Grove Commercial Sales Subdistrict was established to create attractive commercial areas for The Grove by allowing a mix of land uses, including office, retail and civic/public spaces where pedestrian activity, social interaction and quality shopping experiences would be encouraged.
- The Grove Mixed Housing Subdistrict was created to promote an environment of mixed residential uses, including a mix of various multi-family and single-family dwellings, public spaces, parks, and pedestrian paths.

The proposed ordinance amendment will create an overlay zone that could eventually be applied to any property within The Grove Zone with an area of at least 20 acres. The primary purpose for the creation of the new overlay zone is for a specific application of approximately 22 acres of land along State Street.

In 2007, a multi-family residential condominium project, under the name of Copper Lefe Mixed Development Phase 1, was approved on the site. In terms of residential use, the project consisted of seven residential buildings with 12 units per building, open space, amenities such as water features, water fountains, trails, pavilions, playgrounds, volleyball court, pool/Jacuzzi and a clubhouse. In terms of commercial uses the project contains approximately 44,000 square feet of

office space in a three-story office building and about 24,000 square feet of retail use on two different building pads.

There was also a proposed general concept for the undeveloped 21.67 acres. This future development concept was never approved; however, it has 14 proposed buildings with 12 units per building, for a total number of 168 units. With regard to commercial, the overall conceptual plan shows 88,482 square feet of office space divided between two, three-story buildings and 52,821 square feet of retail.

BEFORE PLANNING COMMISSION

The proposed text amendment will shape the 21.67 acres of property. The manifestation of the proposed amendment is illustrated in the concept plan. As such, staff believes it is important to evaluate the proposal in relation to the existing City Code for The Grove as well as a previously approved project for the site known as Copper Lefe.

Retail:

The amount of retail for the current zone is unknown because many commercial and office uses are allowed within the Commercial Sales Subdistrict. It is only known that 50% of the property that is part of the proposed concept plan is within this Commercial Zone. The concept plan submitted provides for a total of 40,000 square feet of retail space and 260 units. The ratio of retail square footage to units is 153 square feet of retail per unit. In contrast, the previously approved Copper Lefe development included a total of 52,281 square feet of retail space and 168 units. The ratio of retail square footage to units is 314 square feet of retail per unit. Thus, the Copper Lefe development included more than twice the retail space per unit than the proposed concept plan. The following is a comparison of retail space standards for the proposed text amendment, the current zoning and the Copper Lefe Development:

- Proposed Text Amendment and Plan: 153 square feet per unit.
- Current Zoning: Unknown, 50% or less of total acreage.
- Copper Lefe Development: 314 square feet per unit.

Open Space:

The quality of multi-family projects is often measured by the open space provided. Open space in The Grove is defined as areas that are landscaped, but also recreational facilities, walkways, parks, plazas, natural areas and usable wetland areas. Required buffers/setbacks can also be counted as open space. The following areas may not be counted as open space: (1) leftover space between buildings, and (2) narrow space under ten feet (10') in width that is immediately adjacent to buildings, where the space is between the building and parking areas, drive aisles or inner development roads.

The following is a comparison of open space standards for the proposed text amendment, the current zoning and the Copper Lefe Development:

- Proposed Text Amendment and Plan before Planning Commission: 10% of the total area of the site.
- Current Zoning: 10% for nonresidential development, 30% for multi-family development.
- Copper Lefe Development: 35% of the total area of the site.

AFTER PLANNING COMMISSION

At the public hearing held on February 8, 2018, the Planning Commission discussed and reviewed the proposal. Staff recommended the Planning Commission not to reduce any commercial areas but increase the percentage of tax generating uses within the commercial area to a minimum of 35% in order to justify the increase in the number of residential units.

In the first proposal, the applicant suggested a minimum commercial area of 35% in which only 15% of the total would be tax generating uses/retail. However, the Planning Commission suggested increasing those numbers to a 50% total area designated as commercial in which 25% of the total area shall be sales tax generating uses/retail. In the latest proposal, the applicant was seeking an increase in the residential units from 120 units to 226 units (56 live/work units, 126 alley-loaded townhomes, and 44 front loaded townhomes).

With regard to the use of warehouse, the Planning Commission suggested that warehousing be allowed only on small individual units not exceeding 3,000 square feet and the percentage of those 3,000 square feet designated for warehousing uses shall not be more than 50%.

Setbacks:

Notice changes in setbacks for various building types reduced in proposal.

The Planning Commission recommended that the City Council approve the request with the following conditions:

1. All Final Planning, Engineering, and Fire Department requirements are met.
2. The Commercial area needs to show an increase to reach a total of 50% Commercial.
3. Out of the 50% Commercial area, 50% of that shall be exclusively for tax generating uses.
4. In case where warehouse use is proposed, a maximum of 50% could be used as a warehouse only if the individual unit does not exceed 3000 square feet total.

Council Member Williams asked what happened to the Copper Lefe development and he was informed that the company went out of businesses because of the economy.

In response to a question from Council Member Jensen, City Attorney, Tina Petersen, explained that what the Council is considering tonight is the actual ordinance amendment. Once the ordinance is adopted, the developer is not bound by any of those concept plans. They are instead bound by the terms of the ordinance. She commented that the ordinance was drafted by the applicant and neither she nor Director Cardenas have reviewed the language to make sure it aligns with legal and planning standards. The Council could provide direction to staff of what they would like to be included with the ordinance and either adopt the current draft or make changes.

Attorney Petersen explained that the Council cannot tie a Development Agreement to the legislative function of adopting an ordinance. Director Cardenas explained that when an ordinance is drafted the City looks at the uses, density, and function of the area that will be affected. Administrator Darrington commented that if the Council wants to look at the nuts and bolts of the proposed project, staff would recommend they entertain entering into a Development Agreement with the applicant. There was subsequent discussion regarding the density of the subject property.

Council Member Andersen stated that units per acre was residential homes and not stacked rental units. Attorney Petersen stated that single-family homes were not required by the ordinance. Once adopted, the developer could come back with stacked apartment units because they are a permitted use in the ordinance. She advised the Council to not look at the concept plan and think that is what they are approving because that is not what will necessarily be submitted for development. She stated that the Council needs to look at the ordinance to make sure they are comfortable with how it is written.

Council Member Jensen asked staff to clarify what is currently written in the City's ordinance. Director Cardenas explained that the current ordinance allows mixed housing up to 12 units per acre. It was noted that currently three-story buildings are prohibited.

Council Member Williams asked what would happen if the Council were to deny the proposal. Attorney Petersen responded that this item is basically asking for a policy statement. If the Council is interested in considering increased density and allowing residential on all of the property, she suggested the Council continue the item, so that staff can either work on revising the ordinance or work with the developer on a development agreement. If, however, they are not interested in high density residential, the Council can deny the proposal. Administrator Darrington stated that the Council can specify what type of housing to include in the site plan.

The applicant, Larry Myler, discussed the history of the project and explained that development is a balancing act of designing a project that works for developers, neighbors, and the City. He commented that each time they have received feedback from the City they have been able to improve their project proposal. He presented aerial images of the subject property and noted that on the east side there was a lot of scarring on the soil, which was evidence of leftover infrastructure including sewer, water, storm drain, and fire plugs. When his company acquired the property, they noticed there was approximately \$750,000 in existing infrastructure that could feed into fourplexes or another other type of multi-family housing. Once they realized the City didn't want fourplexes, they developed a new plan. At that time, they also realized that due to the groundwater issue, the homes could not have basements.

Mr. Myler explained that the next iteration was a commercial plan. With the help of a realtor, they began looking for the best options for bringing in tax generating opportunities for the City. When they sought retailers for the property, they discovered that people want more visibility on the street. To date, they had not yet found a hotelier. Next, they discussed the idea of having a large percentage of the project be residential and proposed 264 units. However, the only way to get to that number was for the units to be stacked. In this particular iteration, they introduced the live-work units and created a streetscape similar to Farmington Station. The stackable units were then eliminated to reduce the overall unit count to 226, or 10.5 units per acre on the entire site. Mr. Myler showed images of paseos throughout the project and explained that these types of spaces are scattered throughout Daybreak and served as great social gathering areas.

Based on the Council's feedback, the current proposal is to keep retail pads out front and no live-work units, thereby reducing the number of units to 170 or 8.5 units per acre on the whole site. He stated that they can bring more inventory through the retail pads than the live-work units based on the way the retail pads are situated on the property. He presented several concept images to depict this point.

In response to a question from Council Member Williams, Mr. Myler used Truffle Cottage as an example of a local business that would move into the types of retail units shown in the concept drawings. Truffle Cottage started making chocolates in their home and after outgrowing the space, they needed a kitchen in the back and retail/store showroom in the front. Council Member Williams asked how many of these units they were proposing. Mr. Myler stated that the preliminary site plan showed 15. He noted that the units would not exceed 3,000 square feet.

Council Member Jensen asked if "stacked uses" could be stricken from the ordinance. Mr. Myler commented that he had no objection to that change. Director Cardenas stated that the ordinance would not just apply to the subject property and would be applicable anywhere in the Grove zone.

Mayor Fugal opened the public hearing.

Drew Armstrong stated that Mr. Myler presented proposals to the Planning Commission three times and appreciated the fact that they have responded to all of their requests. He explained that while the proposal shows more residential units that they would like, as a Commission they feel that Mr. Myler presented a solution that was better than putting office space across the entire frontage.

Kira Harris commented that while she did not initially like the proposal, after hearing from the applicant she appreciated the effort made to learn the City's wants and needs and develop a proposal reflecting that feedback. She was hesitant about the overlay and said she would like to see adjustments made that would prohibit any potentially negative repercussions in the future.

Casey Larson asked about green space requirements and stated that the proposal did not have very much open space. He wanted to know where children would play in the neighborhood if there weren't any parks.

Mayor Fugal closed the public hearing.

Council Member Jensen asked what overall effects the overlay would have on the Grove. Attorney Petersen stated that an overlay zone could be applied elsewhere in the Grove, and any property owner that has 20 acres or more of land can request to have the overlay applied. She explained that while the Council has the final decision, it was her opinion that it would be difficult to deny a request without good reason. Administrator Darrington recommended that if the Council approves the overlay zone, to prohibit the ability for it to be applied in the interchange zone. Director Cardenas agreed and noted that the interchange is a subdistrict of the Grove.

Council Member Williams thought Mr. Myler's development proposal would be good for the City, but he was concerned about changing the ordinance. Attorney Petersen stated that if the Council liked the proposed development, staff could begin negotiating a Development Agreement for the subject parcel.

Mr. Armstrong stated that if the overlay was applied to the only other place in the exempted interchange, this would be an improvement over what currently exists because it provides more retail than the current ordinance. He stated that if the Proctor property went in this direction, it would be a compromise that favors the City.

Council Member Andersen liked the idea of negotiating a Development Agreement and the idea of buffer zones. She preferred larger retail pads and green space and that the residential spaces be owner occupied. Administrator Darrington noted that while the units can be purchased by an original owner, the City has no say in whether owners choose to rent them out. Attorney Petersen noted that the subdivision would have its own CC&Rs. Council Member Williams asked about the average price per unit. Mr. Myler noted that they would be in the range of \$220,000 to \$270,000.

Council Member LeMone stated that she wants 100% retail in this area and doesn't want any more office space. She stated that this is still more residential density than they want as a City and she wasn't sold on the proposal. Council Member Andersen asked that if the area is rezoned whether it will apply to just this parcel or the entire area. Attorney Petersen explained that the rezone would only apply to the subject parcel. Otherwise, general ordinance amendments would need to be made for the entire zone. Administrator Darrington stated that an overlay solves a lot of problems because it can be applied in specific places. Council Member Williams thought the proposal made sense for the property. There was subsequent deliberation regarding the appropriate action to take.

ACTION: Council Member Jensen moved to continue Ordinance (2018-7) and to direct staff to work with the developers in negotiating a Development Agreement, and to either bring back a revised overlay zone or some other proposal that will implement the details agreed to in the proposed Development Agreement. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

10) ACTION ITEMS READY FOR VOTE

A) TO CONSIDER FOR ADOPTION AN 11-LOT FINAL SUBDIVISION CALLED MAHOGANY VIEW PLAT A SUBDIVISION ON PROPERTY LOCATED AT

APPROXIMATELY 1800 NORTH MURDOCK DRIVE IN THE R1-12 (SINGLE-FAMILY RESIDENTIAL) ZONE. (LARS ANDERSON, APPLICANT) (BIG SPRINGS NEIGHBORHOOD) *Presenter: Director Cardenas.*

Community Development Director, Daniel Cardenas, presented the staff report which included an aerial map, zoning map, preliminary plat and vicinity plan. He explained that the applicant is requesting approval of an 11-lot preliminary subdivision, named "Mahogany View Plat A" on property located at approximately 1800 North Murdock Drive in the R1-12 (Single-Family Residential) Zone. The subject property was rezoned from R-R (Rural Residential) to R1-12 (Single-Family Residential) on June 9, 2015. A subdivision with 23 lots, also called Mahogany View Plat A, was approved the same day. The approved plat, however, was never recorded. A new application has been received for the proposed 11-lot subdivision.

The proposed plat is to be located on approximately 12 acres, 4.69 acres of which is a remainder parcel (Parcel A) which will remain unbuildable until further subdivided. The existing home on Lot 1 will remain. The proposed subdivision will legalize a previous illegal subdivision where Lot 104, as shown on the proposed plat, was created. All of the proposed lots meet or exceed the required lot area of 12,000 square feet (approx. 0.27 acres). All lots meet or exceed the required width of 90 feet for interior lots and 100 feet for corner lots. Buildable areas (building envelopes) shown on proposed plat reflect required setbacks shown on the table below:

Setback / Yard Feet
Front / 25
Side / 10
Rear / 25
(Corner Lot) Side - Rear / 25-10

A new vicinity plan was also proposed with the plat. The purpose of a vicinity plan was to ensure that future lots on undeveloped parcels have frontage on a street. This prevents future lots from being landlocked. Because the road along the northern boundary of Lot 2 will not be constructed with the recording of the proposed plat, a notice for the construction of the road must be recorded against the property before the plat is recorded.

ACTION: Council Member LeMone moved to adopt an 11-lot final subdivision called Mahogany View Plat A Subdivision on property located at approximately 1800 North Murdock Drive in the R1-12 (Single-Family Residential) Zone, with the condition that the northwest corner of Lot 1 be dedicated for the future installation of a traffic signal. Council Member Williams seconded the motion. The motion carried with the unanimous consent of the Council.

B) TO CONSIDER FOR ADOPTION AN ORDINANCE (2018-8) AMENDING ORDINANCE 2017-51 SETTING THE TIME AND PLACE OF THE REGULAR AND WORK SESSION MEETINGS OF THE CITY COUNCIL FOR THE YEAR 2018; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Attorney Petersen.*

Attorney Petersen explained that at the Budget and Planning Retreat, the Council decided to amend the meeting schedule by consolidating Work and Regular Meetings. She stated that Work Sessions will begin at 5:00 p.m. with regular sessions to follow at 6:00 p.m. Instead of holding three meetings per month, the Council would begin holding two meetings a month. Per State Statute, the City is required to post notice of a change in meeting schedule. She stated that next week there is a special meeting to take care of one agenda item. However, beginning with the following week they will begin the new meeting schedule.

Council Member LeMone asked if this issue can be revisited if the new meeting schedule does not work out. Attorney Petersen explained that the Council can always add special meetings as necessary. However, if they start adding several special meetings each month it would be better to just revise the schedule and adopt a new ordinance.

Administrator Darrington stated that the caucuses are scheduled for March 20 and staff is recommending that meeting be moved to March 27. There was discussion about why changes to the meeting schedule were being proposed. Mayor Fugal explained that other cities schedule meetings similarly and consolidating the meeting schedule would be easier on staff.

ACTION: Council Member Andersen moved to adopt an Ordinance (2018-8) amending Ordinance 2017-51 setting the time and place of the regular and work session meetings of the City Council for the year 2018; an exception will be made for the meeting scheduled for March 20 which will be moved to March 27 due to caucuses; and providing for an effective date. Council Member Walker seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Walker and Williams voting “Aye”. The motion carried unanimously.

11) ITEMS FOR DISCUSSION:

There were no items for discussion.

12) REVIEW AND DISCUSSION ON THE FEBRUARY 27, 2018 SPECIAL CITY COUNCIL MEETING AGENDA

The aforementioned meeting agenda was briefly reviewed and discussed.

13) NEIGHBORHOOD AND STAFF BUSINESS

Fire Chief Thomas, briefly discussed snow plowing in the City and stated that the freezing temperatures had not halted progress on the construction of the Public Safety Building. He subsequently provided project updates.

Library and Arts Director, Sheri Britsch, announced that “Food for Fines” was going on and allows anyone with a late fee at the Library to donate food items in lieu of paying their fees. She mentioned that the Salt Lake City Library has eliminated fines altogether, and they have seen an increase in patrons returning books and materials.

Administrator Darrington announced that the Open House on the Road Fee is tomorrow night at the Recreation Center from 6:00 p.m. to 7:30 p.m. Council Member LeMone asked if a link to a survey could be posted on the City's website for anyone who cannot attend the Open House to still submit feedback. Administrator Darrington answered in the affirmative.

Director Beaumont and Director Cardenas reviewed project updates in the Public Works Department and Planning Department, respectively. A Report on Active Projects throughout the City, or RAP Sheet, was included in the staff report.

14) MAYOR AND COUNCIL BUSINESS

Council Member Andersen commented that she was grateful for snow and commended City staff for keeping the roads plowed. She reported that along the Wasatch Front there were 680 wrecks in 48 hours. Within that same time period there were only three accidents in Pleasant Grove. Council Member LeMone thanked staff for plowing the roads. Council Member Jensen challenged everyone with social media accounts to find a quote on kindness this week and post it on online as part of the "choose kindness" initiative. He suggested they post their quotes under the hashtag #choosekindnesspg.

Mayor Fugal thanked staff for keeping the roads plowed. He also thanked Drew Armstrong for the good work he had done with the Planning Commission. He was looking forward to working with the new Commissioners.

15) SIGNING OF PLATS

There were not plats to sign.

16) REVIEW CALENDAR

There were no additional calendar items.

17) CLOSED MEETING TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION. (UCA 52-4-205 1 (c)) and TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY (UCA 52-4-205 (1)(d)), or SALE OF REAL PROPERTY (UCA 52-4-205 (e))

ACTION: Council Member LeMone moved to adjourn the regular meeting and reconvene in a Closed Meeting at 7:45 p.m. Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

PRESENT:

Mayor: Guy Fugal

Council Members: Dianna Andersen
Eric Jensen

Cyd LeMone
Lynn Walker
Todd Williams

Staff Present:

Scott Darrington, City Administrator
Tina Petersen, City Attorney
Kathy Kresser, City Recorder

ACTION: Council Member Andersen moved to adjourn the executive session at 8:07 p.m. Council Member Walker seconded the motion. The motion passed with the unanimous consent of the Council.

18) ADJOURN

ACTION: Council Member Andersen moved to adjourn at 8:07 p.m. Council Member Walker seconded the motion. The motion passed with the unanimous consent of the Council.

The meeting adjourned at 8:07 p.m.

The Minutes of February 20, 2018 City Council Meeting were approved by the City Council on March 6, 2018

Kathy T. Kresser, City Recorder, MMC

(Exhibits are in the City Council Minutes binders in the Recorder's office.)