PLEASANT GROVE CITY
PLANNING COMMISSION MEETING MINUTES
NOVEMBER 7, 2019

PRESENT: Vice-Chair Tamara Oborn, Commissioners Bobbi Jo Blake, Tim Clyde, Todd Fugal, Lisa Coombs, Peter Steele, and Jim Martineau (Alternate)

EXCUSED: Chair Dustin Phillips, and Commissioner Jeffrey Butler

STAFF: Daniel Cardenas, Community Development Director; Rylee Hall, City Planner; Shaun Hilton, Staff Engineer; Barbara Johnson, Staff Assistant

The Planning Commission held a Work Session at 6:30 p.m.

Vice-Chair Oborn opened the regular session at 7:00 p.m.

Commission Business:

1. Pledge of Allegiance: Commissioner Martineau led the Pledge of Allegiance.

2. Opening Remarks: Commissioner Blake gave the opening remarks.

3. Agenda Approval:

   • MOTION: Commissioner Coombs moved to APPROVE the agenda as part of public record, with Item 3 being continued to the November 14, 2019 meeting. Commissioner Fugal seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.

4. Staff Reports:

   • MOTION: Commissioner Coombs moved to APPROVE the staff reports as part of the public record. Commissioner Blake seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.
5. Declaration of Conflicts and Abstentions from Commission Members: There were none.

ITEM 1 – Public Hearing to Consider the Request of Richmond American Homes for a Preliminary Subdivision Plat called Hidden Springs Subdivision Residential Condominium Plat ‘B’, on Property Located at Approximately 1473 West State Street in The Grove Zone – Grove Mixed-Use (GMU) Overlay. SAM WHITE’S LANE NEIGHBORHOOD

NOTE: Items 1 and 2 were discussed simultaneously.

Community Development Director, Daniel Cardenas reported that the applicant was requesting approval of two plats within the same project. Last year, the Planning Commission approved a condominium plat for the residential portion of the project for a total of 117 units. When the applicant took that plan to the County, there were concerns with the wording on the plat. Because the units changed from townhomes to single-family homes, they should not be called condominiums. They would instead be called buildings. However, this was not the reason the item was back before the Planning Commission. The applicant decided to phase the project, and a two-lot subdivision was approved a few months earlier. Director Cardenas presented Plat B, which contains 65 units, and Plat C, which contains 52 units. Staff recommended approval of both plats.

Vice-Chair Oborn opened the public hearing.

Staff received a letter from Bob Conner, a business owner at 1390 West State Street who expressed concerns about the widening of 1300 West.

Shaun Hilton explained that 1300 West will be completely redone and realigned. He expected the project to be completed in the spring.

There were no further public comments. Vice-Chair Oborn closed the public.

MOTION: Commissioner Coombs moved that the Planning Commission forward a recommendation of APPROVAL for the request of Larry Myler for an expendable subdivision plat called Hidden Springs Subdivision Condominium Plat ‘B’, on property located at approximately 1473 West State Street in the Grove Mixed-Use (GMU) Overlay in The Grove Zone; and adopt the exhibits, conditions, and findings contained in the staff report, and as modified by the condition below:

1. All Final Planning, Engineering, and Fire Department requirements are met.

Commissioner Steele seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.
ITEM 2 – Public Hearing to Consider the Request of Richmond American Homes for a Preliminary Subdivision Plat called Hidden Springs Residential Condominium Plat ‘C’, on Property Located at Approximately 1473 West State Street in The Grove Zone – Grove Mixed-Use (GMU) Overlay. **SAM WHITE’S LANE NEIGHBORHOOD**

**NOTE:** Items 1 and 2 were discussed simultaneously.

**MOTION:** Commissioner Fugal moved that the Planning Commission forward a recommendation of APPROVAL for the request of Larry Myler for an expendable subdivision plat called Hidden Springs Subdivision Condominium Plat ‘C’, on property located at approximately 1473 West State Street in the Grove Mixed-Use (GMU) Overlay in The Grove Zone; and adopt the exhibits, conditions, and findings contained in the staff report, and as modified by the condition below:

1. All Final Planning, Engineering, and Fire Department requirements are met.

Commissioner Clyde seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.

ITEM 3 – Public Hearing to Consider the Request of Pleasant Grove City to Amend City Code Section 10-15: Supplementary Design Standards, by Adding the Following Section, Section 10-15-49: Frontage Requirements for Commercial Developments, to Specify Requirements, for Commercial Developments Only, Regarding Frontage and Accessibility on a Public Street. **CITYWIDE** *Continued to the November 14, 2019, Planning Commission Meeting.*

ITEM 4 – Public Hearing to Consider the Request of Pleasant Grove City to Amend City Code Section 10-12-4: Conditions for the Establishment of Home Business, by Changing the Conditions and Requirements for Uses Involving Sales or Retail of Products from a Residence, Including Online Sales. **CITYWIDE**

Director Cardenas reported that the proposed amendment was intended to clarify the ordinance regarding retail sales for home businesses. The existing home occupation section of the ordinance outlines specific circumstances in which retail sales is allowed, as follows:

1. The products or commodities are produced on the premises; or,

2. The products or commodities are incidental to the service provided on the premises; and,

3. The intensity of the retail activity on the premises is limited to a maximum of two customers per hour.
Director Cardenas commented that big box and other retailers are disappearing because of online sales. Staff anticipated seeing an increase in home-based online sales businesses. According to the criteria listed above, these businesses will not be allowed because the products are not produced on the premises and are not incidental to a service provided. However, the City has granted business licenses for such uses. The Code does place other limitations on home-based businesses, such as limiting the size of the business to 25% of the square footage of the home, including storage.

Recently, the City received an application for a home-based business for online sales but the residents were negatively impacted by it. In response to their concerns, staff was proposing a few minor changes to the ordinance to help mitigate the impact. They proposed to allow internet and mail order sales as a home office use only. This means that someone could be working on a computer from their office, but the exchange of merchandise is not allowed in the home, on the premises, or in any portion of the residential zone. Enforcement would be difficult, but it was important to have regulations in place if complaints are received from the neighbors. Staff was also proposing to alter the language regarding deliveries, as follows:

D. Sales: The home occupation may include the sale of commodities. However, it is the intent that it be limited to items produced on the premises, or items that are incidental to the service provided, e.g., a beautician who also sells hair care products to her clientele. Retail sales of products and services are allowed at the home with a maximum of two (2) customers per hour. The home occupation shall not generate more than two (2) vehicular round trips related to the home occupation business activities during any single hour, including deliveries and shipping.

1. Online Sales: Internet and mail-order-based sales home occupations are allowed as a home office only. The in-person monetary transaction and/or exchange of merchandise is not allowed in the home, on the premises or in any portion of a residential zone.

NOTE: City Engineer, Shaun Hilton, left the meeting at 7:30 p.m.

Commissioner Fugal asked if the 25% square footage calculation included garages or detached accessory structures and wondered if an owner could use an entire accessory structure that is entirely devoted to the home business. Director Cardenas stated that the Code does not prohibit the use of a detached structure in a home-based business but they could include such language if the Planning Commission feels it is appropriate. Commissioner Clyde stated that the Code specifies “25% of the total floor area of said structures”. He asked if that was 25% of each structure or overall. Director Cardenas explained that it is the total floor area, including the garage. The Code does require that two cars be able to park within the garage.

Commissioner Blake was not concerned if an individual keeps storage in a shed as long as they follow the spirit of the other rules in the ordinance.
The Planning Commission discussed whether accessory structures should be included. Commissioner Clyde commented that the square footage limitation was more about impact than the actual percentage. He was concerned about limiting deliveries because there are avid online shoppers that receive more deliveries than a home-based business but the City is not limiting them. Director Cardenas argued that a home-based business is a privilege more than a right. Staff confirmed that there are 583 registered home occupations in Pleasant Grove.

There was overlapping discussion regarding square footage percentages, traffic, and other impacts on the neighborhood.

**MOTION:** Commissioner Fugal moved that the Planning Commission forward a recommendation of APPROVAL to the City Council for the proposed amendments to City Code Section 10-21: Home Occupations; and adopt the exhibits, conditions, and findings contained in the staff report. Commissioner Coombs seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.

**ITEM 5 – Review and Approval of the Minutes from the October 24, 2019, Planning Commission Meeting.**

**MOTION:** Commissioner Steele moved to APPROVE the minutes from the October 24, 2019, Planning Commission meeting, as amended. Commissioner Martineau seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.

**MOTION:** Commissioner Coombs moved to adjourn the meeting at 8:06 p.m. Commissioner Fugal seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.

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Planning Commission Chair

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Barbara Johnson, Planning Tech

Date Approved: 12/11/2019

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