PLEASANT GROVE CITY
PLANNING COMMISSION MEETING MINUTES
FEBRUARY 13, 2020

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

STAFF: Daniel Cardenas, Community Development Director; Rylee Hall, City Planner; Shaun Hilton, Staff Engineer; Kara Kresser, Planning Assistant

EXCUSED: Commissioner Tim Clyde

Chair Fugal opened the regular session at 7:00 p.m.

Commission Business:

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


3. Agenda Approval:
   • MOTION: Commissioner Coombs moved to APPROVE the agenda as part of public record, with the removal of the last line on Item 2. Commissioner Blake seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.

4. Staff Reports:
   • MOTION: Commissioner Oborn moved to APPROVE the staff reports as part of the public record. Commissioner Phillips 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 Lee Edwards for a Conditional Use Permit for a Major Home Occupation to Allow Two (2) Employees and Additional Company Storage on Property Located at 830 East 100 North in the R1-10 (Single-Family Residential) Zone.

MONKEY TOWN NEIGHBORHOOD

City Planner, Rylee Hall, presented the staff report and stated that the applicant is requesting approval to run a major home occupation from their residence located at 830 East 100 North, in the R1-10 (Single-Family Residential) Zone. The applicant currently has an approved business license for minor home occupation but was seeking approval of a major home occupation to allow up to two non-resident employees and additional company storage on the property. Approval of the Conditional Use Permit would increase the "intensity" of use. Intensity is a term used by Planners to describe the size, scale, and impacts of a proposed use. The Planning Commission may allow increases in the intensity of the home occupations through approval of a Conditional Use Permit.

The applicant, Lee Edwards, was identified as the property owner. He was requesting approval of a Conditional Use Permit that would allow him to have two non-resident employees on his property during daytime business hours (8:00 a.m. to 5:00 p.m.) and to store an additional company vehicle, given available parking, and no adverse impacts on the neighborhood. With a minor home occupation business license, no outside storage of equipment is allowed, and only one company vehicle may be stored on-site. With a Conditional Use Permit, an increase in the size and number of company vehicles and equipment may be approved by the Planning Commission, with appropriate mitigations, such as fencing and buildings. A site plan was provided that illustrated how parking for the residents, employees, and patrons (if any) will be accommodated on the lot. Two spaces were provided for residential use in the two-car garage, and two additional spaces are reserved for two company cars. In addition, several spaces could be accommodated in the driveway for employees or patrons (if any).

In response to a question from Commissioner Blake, Ms. Hall clarified that no outdoor storage is allowed with minor home occupations, however, the Planning Commission could possibly allow additional outside storage with a Conditional Use Permit and a major home occupation. Commissioner Blake asked if there was language prohibiting company logos on vehicles. Ms. Hall answered in the negative. There were other regulations regarding signage and other visual advertisements. Director Cardenas informed the Commission that no outside storage of business property would be allowed with either a minor or major home occupation permit.

The applicant, Lee Edwards, was not aware that he was out of compliance until he spoke with staff about getting a Major Home Occupation Conditional Use Permit. He explained that his plumbing business only has two other employees, his father and his neighbor. His neighbor simply walks to his home and uses the company vehicles. They plan to meet at 8:00 a.m., get supplies, and leave to work at other homes for the day. Rarely do they return to the home during the day. The business has a minimal impact on the property, aside from the two waste trailers in his yard. Mr. Edwards
had received a complaint from his neighbor about seeing the waste trailers from his property, so he was taking steps to cover them. He was working to build an accessory structure that would house both waste trailers and the work vans.

There was discussion regarding fencing. Mr. Edwards described the fencing types he intends to install. The Commission also addressed how the trailers will be covered until the structure is completed.

Chair Fugal opened the public hearing.

Rich Guernsey stated that Mr. Edwards has been his plumber for the past two years. He was pleased with his work and liked that it was a local business. He urged the Commission to interpret the Code liberally and grant Mr. Edwards’ request.

Vernon Aston reported that he lives directly behind the applicant and he previously complained about excessive noise from Mr. Edwards’ pool area. Recently, Mr. Edwards took down the chain-link fence between their properties, claiming it was ugly and needed to be replaced. In doing so, he changed the property line in his favor. Mr. Aston presented photographs of the subject property and identified the areas of non-compliance. He suggested that the City revoke Mr. Edwards’ business license.

Rob Walker identified himself as the neighbor to the west. He was comfortable with the business but hoped that Mr. Edwards would not put up an opaque fence on his side of the property line.

Morgan Francis had been a builder for many years and was astounded that Mr. Edwards would be able to build a large accessory structure. He commented that he had difficulty receiving approval to build a garden shed in other jurisdictions.

Gary Wulfenstien identified himself as the neighbor to the east and filed a complaint about the trailers. He presented photographs to the Planning Commission proving the applicant’s non-compliance. He likes Mr. Edwards but was concerned about how the business looks on the subject property.

Trevor Perkins reported that he lives next to the nearby water tank. When he purchased his home, he knew it would be next to a water tank, and he would never consider coming to the City and asking them to change how they control their property. He recognized that it was the City’s property, not his own. He encouraged the Commission and residents to respect the property rights of others.

There were no further public comments. Chair Fugal closed the public hearing and invited the Commission to either continue the discussion regarding this item or that he would entertain a motion if no further discussion is necessary.
Commissioner Blake asked if the intended accessory structure would fit within Code requirements. Community Development Director, Daniel Cardenas reported that he had not seen any plans for the structure but it would be reviewed by staff once it is submitted. The applicant has a large lot, so he did not foresee any issues with lot coverage.

Commissioner Blake expressed concerns about granting a major home occupation when the applicant is already out of compliance with the minor home occupation. In the past, they had denied applications with similar issues. Commissioner Phillips stated that in this situation the applicant came to the Commission with a plan to come into compliance. Commissioner Oborn commented that in the other instance, the Code was unclear. In this case, the Code is clear.

Commissioner Oborn noted that the Planning Commission does not have the power to revoke a business license. That would be up to Code Enforcement. Running a business in a residential area is a privilege and knowing and following the Code is the burden of the business owner. The idea of regulating a business is important but the idea of regulating what a neighbor can do with their backyard was something entirely different. Because the property owner has a business, they need to find an appropriate balance. Commissioner Oborn was concerned about the applicant being out of compliance until the structure was constructed. She suggested that the applicant find a different location to store the waste trailers until they can be screened on the property.

Director Cardenas emphasized that the Planning Commission was not suggesting that it is acceptable to be out of compliance. The applicant would have to work out those issues with Planning, Code Enforcement, and the City Attorney. The matter before the Commission today was a request to increase the business use to allow two vehicles and two non-resident employees. Procedural issues were discussed.

**MOTION:** Commissioner Coombs moved that the Planning Commission APPROVE the Conditional Use Permit to allow a major home occupation allowing up to two (2) employees and additional company storage; and adopt the exhibits, conditions, and findings contained in the staff report; and as modified by the conditions below:

1. At least two (2) parking spaces must be maintained for the residents’ vehicles that are not used for business purposes.

2. At least two (2) enclosed spaces must be maintained for the residents’ company-related vehicles, including trailers.

3. On-street parking for patrons and employees will be prohibited.

4. All applicable conditions in City Code Section 10-21-4 and Section 10-21-6 are met

5. All Final Planning, Engineering, and Fire Department requirements are met.
Commissioner Oborn seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.

ITEM 2 – Public Hearing to Consider the Request of Magleby Construction (Ben Bond) for a Conditional Use Permit to Allow a Fence, 8 feet in height, on Property Located at 1101 West 2600 North in the R-R (Rural Residential) Zone. **NORTH FIELD NEIGHBORHOOD**

Ms. Hall reported that the applicant was requesting approval of a Conditional Use Permit for an eight-foot fence on property located at 1101 West 2600 North in the R-R (Rural Residential) Zone. The applicant, Magleby Construction (Ben Bond), was representing the property owners, Greg and Julie Cook. The purpose of the request was to provide more privacy in their backyard area. Primary access to the lot is provided on the southern side of the lot, near 2480 North. Staff informed the applicant that a fence permit for a six-foot fence does not require a fee or Planning Commission approval; however, the applicant felt that an eight-foot fence would be more suitable for the property line along 2600 North.

Pleasant Grove City Code specifies that a property owner may construct a fence of up to 10 feet in height if it is determined that additional screening is needed along a side or rear yard. Fences taller than six feet in height require Planning Commission approval and fences seven feet or taller require a building permit. Given the concerns of the applicant for the privacy of their yard, staff determined that additional screening was reasonable. The proposed eight-foot fence would be installed along the property line bordering 2600 North.

Commissioner Phillips asked why the fence is not straight. Staff Engineer, Shawn Hilton explained that there was a significant elevation change between the property and the road. The applicant would be installing a retaining wall on that side. He confirmed that street improvements will be installed as part of the project.

Cody Martin was present representing the applicant and the homeowners and confirmed the elevation change as described by staff. He noted that there is a landscaping plan for both sides of the wall.

Chair Fugal opened the public hearing. There were no public comments. Chair Fugal closed the public hearing and invited the Commission to either continue the discussion regarding this item or that he would entertain a motion if no further discussion is necessary.

**MOTION:** Commissioner Oborn moved that the Planning Commission APPROVE the request of Magleby Construction (Ben Bond) for a conditional use permit to allow a fence, eight feet in height, along the property line bordering 2600 North, of a property located at 1101 West 2600 North in the R-R (Rural Residential) Zone; and adopt the exhibits, conditions, and findings contained in the staff report, and as modified by the conditions below:
1. A building permit for the eight-foot section of fence shall be obtained before any
cal construction takes place.

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

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

ITEM 3 – Public Hearing to Consider the Request of Steve and Diane West for a One-Lot, One-
Parcel Residential Preliminary Subdivision Plat called Cherry Grove Subdivision Plat ‘A’, on
Property Located at Approximately 200 North 950 East in the R1-12 (Single-Family Residential)
Zone. GROVE CREEK NEIGHBORHOOD

Ms. Hall presented the staff report and explained that the applicant is requesting approval of a one-
lot, one-parcel preliminary subdivision plat called Cherry Grove Subdivision Plat ‘A,’ at the
address stated above. The lot and parcel had never been part of a previously recorded subdivision.
An existing building on Parcel A will be demolished upon further development of the plat. Street
improvements will be required upon future development of the property. The total area of the
subject property is about 2.68 acres, and the proposed subdivision meets the minimum
requirements for residential lots in the R1-12 Zone. Street frontage for the lot and parcel will be
provided by the future public road, Murdock Drive.

Mr. Hilton addressed the conditions of approval as proposed by staff. At this time, the City would
only be requiring street improvements on a small portion of the lot. The remainder would be
required upon further development of Lot 2. With regard to the sewer connection, he explained
that the existing home is on a septic tank. With the development of the other lot, they would be
required to stub into the sewer with the existing home, however, they would not be required to
connect at this time. He explained that the Encroachment Agreement was required because a small
portion of the existing building would be in the right-of-way that would be dedicated to the City.

Chair Fugal opened the public hearing.

Rich Guernsey reported that Steve and Diane West have been his neighbors for a long time.
Although they’ve resisted development in the area, he understood that the new home would be for
their daughter. He was a firm believer that property owners should be able to do what they want
with their properties. He expressed his support for the request.

There were no further public comments. Chair Fugal closed the public hearing and invited the
Commission to either continue the discussion regarding this item or that he would entertain a
motion if no further discussion is necessary.
MOTION: Commissioner Steele moved that the Planning Commission forward a recommendation of APPROVAL for the request of Steve and Diane West for the preliminary plat called Cherry Grove Subdivision Plat A, on property located at approximately 200 North 950 East, in the R1-12 (Single-Family Residential) Zone; and adopt the exhibits, conditions, and findings contained in the staff report, and as modified by the conditions below:

1. Street improvements will be required upon further development of the property.

2. An agreement between the City and the property owner must be achieved regarding the future connection of the existing home to the sewer system.

3. Storm drain infrastructure must be installed in the future roadway alignment of Murdock Drive to the existing drainage facility, and the old drainage infrastructure by abandoned.

4. The property owner must obtain an encroachment agreement with the City for the portion of the building that extends into Murdock Drive right-of-way.

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

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

ITEM 4 – Review and Approval of the Minutes from January 23, 2020, Planning Commission Meetings.

MOTION: Commissioner Coombs moved that the Planning Commission APPROVE the minutes of the January 23, 2020, Planning Commission Meeting, as amended. Commissioner Steele seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.

Prior to adjourning Chair Fugal thanked Commissioners Phillips and Oborn for the time they served as Chair and Vice-Chair of the Commission during the previous year.

MOTION: Commissioner Coombs moved to adjourn the meeting at 8:20 p.m. Commissioner Blake seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.
Planning Commission Chair
Kara Kresser, Planning Tech
2/7/2020
Date Approved