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2
3 PLEASANT GROVE CITY
4 PLANNING COMMISSION MEETING MINUTES
5 June 9, 2022
6

7 **PRESENT:** Chair Jeffrey Butler, Jim Martineau, Lindsey Hargett, Dustin Phillips, Todd Fugal,
8 Wendy Shirley, Peter Steele
9

10 **STAFF:** Jacob Hawkins, City Planner; Aaron Wilson, City Engineer; Kara Kresser, Planning
11 Assistant; Kirsten Haggard, Planning Tech
12

13 **EXCUSED:** Community Development Director Daniel Cardenas, Tim Clyde, Karla Patten
14

15 Chair Jeffrey Butler called the meeting to order at 7:00 p.m.
16

17 **Commission Business:**
18

19 **1. Pledge of Allegiance and Opening Remarks:** Commissioner Peter Steele led the Pledge
20 of Allegiance. Commissioner Wendy Shirley offered the opening remarks.
21

22 **2. Agenda Approval.**
23

- 24 • **MOTION:** Commissioner Dustin Phillips moved to APPROVE the agenda as
25 modified by Items 2, 3, and 4 being continued. Commissioner Jim Martineau
26 seconded the motion. The Commissioners unanimously voted "Aye". The motion
27 carried.
28

29 **3. Staff Reports:**
30

- 31 • **MOTION:** Commissioner Peter Steele moved to APPROVE the Staff Reports.
32 Commissioner Todd Fugal seconded the motion. The Commissioners unanimously
33 voted "Aye". The motion carried.
34

35 **4. Declaration of Conflicts and Abstentions from Commission Members.**
36

37 There were no declarations or abstentions.
38

1 **ITEM 1 – Public Hearing: Preliminary Subdivision Plat –Located at approx. 1506 West**
2 **Pleasant Grove Boulevard.**
3 **(Sam White’s Lane Neighborhood)**

4 Public Hearing to Consider the Request of Jon Walter for a Three-Lot Preliminary Subdivision
5 Plat, Called The Void Plat ‘H’ on 2.86 Acres, Approximately located at 1506 West Pleasant Grove
6 Boulevard in The Grove – Commercial Sales (GRV-CS) Zone.

7
8 City Planner, Jacob Hawkins, presented the staff report and stated that the request for a three-lot
9 preliminary subdivision plat, north of Pleasant Grove Boulevard and west of 1300 West, within
10 The Grove – Commercial Sales (GRV-CS) Zone. He identified the parcel as Lot 11 of The Void
11 Plat ‘F’ and reported that the applicant was proposing to vacate and divide the property into four
12 new lots (numbered 12 through 15). Planner Hawkins stated that engineering requires the vacation
13 of a temporary drainage and detention easement and replacing it with a permanent easement, which
14 issue was being addressed by the developer and the easement owner. Staff recommended approval
15 of the preliminary plat with the condition that the developer obtain the existing easement owner’s
16 approval to install a permanent drainage detention easement, and that all final planning,
17 engineering, and fire requirements are met. He located the area where the easement was using an
18 aerial map and clarified that this item involves a four-lot preliminary subdivision, not three lots.

19
20 The applicant, Jon Walter, from NAI Excel and ERA Brokers Consolidated stated that the intent
21 for the proposed subdivision plat is to construct a proposed 16,000 square-foot office building on
22 Lot 12. When asked about the engineering concerns, he stated that when the current temporary
23 easement was placed, documentation indicated that it would be vacated when the storm drainage
24 issue was addressed with the development of the parcel. He noted that there would be formal
25 documentation in place.

26
27 Chair Butler opened the public hearing. There were no public comments. The Chair closed the
28 public hearing and invited the Commission to either continue the discussion regarding this item or
29 he would entertain a motion if no further discussion was necessary.

30
31 **MOTION:** Commissioner Steele moved that the Planning Commission forward a positive
32 recommendation of APPROVAL for the request of Jon Walter for a subdivision plat called The
33 Void Plat ‘H’ on property located at approximately 1506 West Pleasant Grove Boulevard on
34 property zoned The Grove – Commercial Sales Subdistrict; and adopting the exhibits, conditions,
35 and findings of the staff report, and as modified by the conditions below:

- 36
37 1. The developer for The Void Plat H must have approval from the owner of the
38 existing easement to install a permanent drainage and detention easement towards
39 Lot 10 of the Void Plat F.
40
41 2. All Final Planning, Engineering, and Fire Department requirements are met.
42

1 Commissioner Martineau seconded the motion. The Commissioners unanimously voted "Aye".
2 The motion carried.

3
4 **ITEM 2 – Public Hearing: Site Plan – Located at approx. 1506 W. Pleasant Grove Blvd.**
5 **(Sam White's Lane Neighborhood)**

6 Public Hearing to Consider the Request of Jon Walter for a Site Plan for a Two-Story, Multi-
7 Tenant Office Building located at Approximately 1506 West Pleasant Grove Boulevard, on
8 Property Zoned The Grove – Commercial Sales (GRV-CS) Zone.

9 *****The hearing on this Item was continued.***

10
11 **ITEM 3– Public Hearing: Public Hearing: Site Plan – Located at approx. 1506 West**
12 **Pleasant Grove Blvd.**
13 **(Sam White's Lane Neighborhood)**

14 Public Hearing to Consider the Request of Jon Walter for a Site Plan for a Single-Story, Multi-
15 Tenant Retail Building with a Drive-Thru located at Approximately 1506 West Pleasant Grove
16 Boulevard, on Property Zoned The Grove – Commercial Sales (GRV-CS) Zone.

17 *****The hearing on this Item was continued.***

18
19 **ITEM 4 – Public Hearing: Site Plan – Located at Approx. 1506 West Pleasant Grove**
20 **Boulevard.**
21 **(Sam White's Lane Neighborhood)**

22 Public Hearing to Consider the Request of Jon Walter for a Site Plan for a Single-Story Retail
23 Building with a Drive-Thru located at Approximately 1506 West Pleasant Grove Boulevard, on
24 Property Zoned The Grove – Commercial Sales (GRV-CS) Zone.

25 *****The hearing on this Item was continued.***

26
27 The discussion on Items 5 and 6 was held together, but the motions were voted on separately.

28
29 **ITEM 5 – Public Hearing: Site Plan – Located at 125 South 2000 West**
30 **(Sam White's Lane Neighborhood)**

31 Public Hearing to Consider the Request of Chalise Smith for a Site Plan for a Single-Story Multi-
32 Use Building located at 125 South 2000 West, on Property Zoned The Grove –Commercial Sales
33 (GRV-CS) Zone.

34
35 **ITEM 6 – Public Hearing: Conditional Use Permit – Located at 125 South 2000 West**
36 **(Sam White's Lane Neighborhood)**

37 Public Hearing to Consider the Request of Chalise Smith for a Conditional Use Permit to Allow a
38 Reception Center as a Secondary Use, located at 125 South 2000 West on Property Zoned The
39 Grove – Commercial Sales (GRV-CS) Zone.

40
41 Planner Hawkins presented the staff report and stated that the two items request approval of a Site
42 Plan and Conditional Use Permit for Hee Haw Farms to allow a wedding reception center to exist

1 on property located in The Grove – Commercial Sales (GRV-CS) Zone. Using an aerial map,
2 Planner Hawkins identified the location of the property and noted that it is in an area generally
3 used for commercial purposes with some housing to the north and northeast and some mixed
4 housing units within 500 feet of the subject property to the southeast. With regard to parking for
5 the site plan, he stated that 34 spaces were designated based on the parking space needs for the
6 restaurant (11); a retail store (six), the reception center (13), and one space for a small business
7 office.

8
9 Planner Hawkins described the Landscaping Plan to show a 25-foot-wide buffer area between the
10 curb and the edge of the parking lot. Showing the elevation plan, Planner Hawkins described the
11 building as containing two silos, composed of galvanized steel with the center of the main portion
12 of the building to be constructed of wood batten board. He stated that the Site Plan, Landscaping
13 Plan, and Elevation Plan were all presented to the Design Review Board on May 23 and approved
14 with an expressed concern that the use of the galvanized steel may not be approved. He reported
15 that City Code Section 10-14-20-I requires that “metal . . . may be allowed by the Planning
16 Commission as an accent or secondary material only.” He stated that the developer indicated that
17 the metal was being used as an accent but it was up to the Planning Commission to approve, deny
18 its use, or add conditions.

19
20 For consideration of granting a Conditional Use Permit, Planner Hawkins stated that The Grove
21 Zone provisions allowed reception centers only if they were subordinate to a permitted use or
22 Conditional Use Permit that generates sales tax and that it needed to be less than 50% of the use
23 by either hours of operation or by square footage. Because the entire building is 6,600 square feet
24 in size and the venue location is 25 to 30 square feet, staff found the proposed center to meet the
25 “less than 50%” limitation and recommended approval of the Site Plan. Approval was conditioned
26 on the galvanized metal being used only as an accent or secondary material. He also stated that
27 staff approved the Conditional Use Permit with the condition that the wedding reception center
28 remains as a secondary use of the restaurant, retail shop, and office by either square footage or
29 hours of operation. It was noted that if the limits are exceeded, the Conditional Use Permit could
30 be revoked. He also noted that all final Planning, Engineering, and Fire Department requirements
31 for both items be met.

32
33 Questions were raised by a commissioner about the presence of sidewalks in front of the building
34 and how much metal covers the outside of the building. Planner Hawkins stated that the building
35 has sidewalks and identified where its location on the site plan. He stated that the applicant, who
36 was present, could speak to the amount of steel covering the building. Planner Hawkins was then
37 asked by Commissioner Fugal how staff was interpreting the use of the term “subordinate” as it
38 pertains to the Conditional Use Permit. Planner Hawkins stated that they interpreted that either
39 hours of operation or square footage be used to determine if the requirement of less than 50% of
40 use was met. There was discussion regarding difficulties in enforcing that requirement and
41 determining the primary use of the building. Planner Hawkins stated that the applicant could

1 describe the hours of operations for each of the different uses, which might help clarify the issue.
2 There was discussion on the background of the Code section being discussed.

3
4 The applicant, Chalise Smith, was asked about construction of the two silos on each end of the
5 building. She stated that the exteriors are metal skins with actual building structures within. The
6 exterior skin was to be made with used metal so it already has a patina. After it was acknowledged
7 that the look of the project was to be farm-related, the applicant was asked if the amount of metal
8 used in the project could be reduced, particularly because concern had been previously expressed
9 by City Council. The applicant stated that only the silos are covered in metal and that the entire
10 center building is board and batten and not metal. The applicant was asked what percentage of the
11 exterior was made up of the silos. The applicant's contractor, Garth Jacklin, stated that the silos
12 are approximately 35% of the building and provided renderings to show what the building would
13 look like. There was discussion regarding the construction details including the materials used in
14 construction, the roof and roof composition, the façade and whether the façade was part of the
15 roof, the color palette to be used (the preference was earth tones), and the building design features
16 to fit in with the design theme of the Grove Station. Chair Butler ultimately confirmed that the
17 basic building construction was a metal shell building. A Commission Member commented that
18 he was in favor of denying the roof as part of the façade and because the silos only comprise 35%
19 of the exterior surface, he felt that the building meets the Code requirements.

20
21 The applicant next addressed the proposed hours of operation. She stated that the main driving
22 force for the building was the community's need for farm-fresh foods. She reported that the retail
23 store will sell milk, eggs, meats, cheese, and locally produced and packaged products. The barn
24 will be multi-purpose and the dining area will be used to sell ice cream and fries. The event center
25 will be used for family and corporate events and weddings. The retail and ice cream store hours
26 will be 10:00 a.m. to 6:00 p.m. Monday through Saturday. Events will be held between 6:00 p.m.
27 and 10:00 p.m. Monday through Saturday. She clarified that the animals, for petting, were not to
28 be housed on-site.

29
30 Chair Butler opened the public hearing. There were no public comments. The Chair closed the
31 public hearing and invited the Commission to either continue the discussion regarding this item or
32 he would entertain a motion if no further discussion was necessary.

33
34 Chair Butler asked Planner Hawkins about parking. He stated that staff felt that 34 spaces were
35 sufficient based on the square footage of the venue, restaurant, retail, and office. It was then noted
36 that the dining area would have two levels rather than the ground floor only, which increased the
37 parking requirements. Mr. Jenkins stated that the current parking numbers are temporary as there
38 is a second phase of parking that will become available behind the building once the building is
39 operational. Additional room for parking was currently available. A Commissioner stated that the
40 parking requirements are to be met at the time the project is approved. Discussion ensued
41 regarding what uses are open at any one time. It determined that considering that the restaurant
42 and store will not be open during events, the parking spaces currently identified were adequate.

1
2 Commissioner Fugal expressed concern with the issue of “subordinate use”. His interpretation of
3 the Code differed from staff. He stated that the Code regarding use has two requirements
4 consisting of the use to be subordinate to tax-generating use and the 50% Rule. He commented
5 that “subordinate” is not listed in the 50% Rule and he could not see how something being
6 subordinate was determined. He stated that The Grove Zone area in Pleasant Grove is one of only
7 a few areas remaining that is designated for tax-generating uses. He noted that receptions are not
8 considered a tax-generating use. If the majority of the use was the venue for events, technically
9 the project does not meet the requirement for being tax-generating. Due to the way the Code was
10 written, he was unclear on the definition or how it could be enforced. There was general discussion
11 as to how the Code could be enforced. Commissioner Fugal supported the project because of the
12 way the Code was written but disagreed with the staff interpretation and thought both provisions
13 applied.

14
15 **MOTION:** Commissioner Martineau moved that the Planning Commission forward a
16 recommendation of APPROVAL for the request of Chalise Smith for the proposed site plan on
17 property located at approximately 125 South 2000 West on property zoned The Grove –
18 Commercial Sales Subdistrict; and adopting the exhibits, conditions, and findings of the staff
19 report, and as modified by the conditions below:

- 20
21 1. The galvanized metal is to be used as an accent or secondary material only.
22
23 2. All Final Planning, Engineering, and Fire Department Requirements are met.
24

25 Commissioner Lindsey Hargett seconded the motion. The Commissioners unanimously voted
26 “Aye”. The motion carried.
27

28 Commissioner Steele agreed with Commissioner Fugal’s reading of the Code and was inclined to
29 give the benefit of doubt to the applicant for subordinate use.
30

31 **MOTION:** Commissioner Steele moved that the Planning Commission APPROVE the request
32 of Chalise Smith for the Conditional Use Permit to allow Use #6299 (other personal services) for
33 a reception center, on property located at approximately 125 South 2000 West on property zoned
34 The Grove – Commercial Sales Subdistrict; and adopting the exhibits, conditions, and findings of
35 the staff report, and as modified by the conditions below:

- 36
37 1. That the wedding reception center remain a secondary use to the restaurant and
38 retail uses.
39
40 2. That the wedding reception center remain less than 50 percent of the property in
41 operation of the business by square footage or by hours of operation.
42

1 3. If these conditions are violated, the conditional use permit may be revoked.

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

4
5 Commissioner Martineau seconded the motion. The Commissioners voted “Aye” with one
6 opposing vote by Commissioner Phillips. The motion carried.

7
8 **ITEM 7 – Public Hearing: Conditional Use Permit – Located at 456 South Pleasant Grove**
9 **Boulevard**

10 **(Sam White’s Lane Neighborhood)**

11 Public Hearing to Consider the Request of Elliott Smith for TerraForm Companies, LLC for a
12 Conditional Use Permit to Approve Five Joint Parking Stalls to be Shared by Chipotle and the
13 Hyatt Hotel, located at 456 South Pleasant Grove Boulevard on Property Zoned The Grove –
14 Commercial Sales (GRV-CS) Zone.

15
16 Planner Hawkins presented the staff report and stated that Chipotle was seeking a Conditional Use
17 Permit to allow for joint five parking spaces between Chipotle and Hyatt Hotel, on property located
18 at 456 South Pleasant Grove Boulevard in The Grove – Commercial Sales (GRV-CS) Zone. On
19 an aerial map, he identified the locations of Hyatt Hotel, to the south, a coffee shop (Dutch Grove)
20 to the north, Evermore Park to the west, and doTERRA to the east.

21
22 Planner Hawkins provided parking information provided by the applicant outlining how many
23 parking spaces are available. He noted that the hotel currently has 109 spaces. Per a site plan,
24 Chipotle plans to remove a hotel parking island to the north that would allow the addition of 22
25 spaces, of which 11 spaces would be designated as Chipotle’s. The other 11 spaces would become
26 the Hotel’s parking, causing its number to increase to 120 spaces. As the Hotel still needs five
27 spaces to meet its parking requirements of 125 spaces, Chipotle and Hyatt Hotel agreed that five
28 of Chipotle’s spaces were to be used as joint spaces to meet the requirements.

29
30 Planner Hawkins stated that the businesses operate at different times, with Chipotle operating
31 during the day and the Hotel at night. He reported that Section 10-18-2-S provides that the
32 Planning Commission may allow joint parking by conditional use so long as the proposed parking
33 meets certain requirements, including:

- 34
35 1. Up to 50% of the parking facilities required by this chapter for a use considered to
36 be a nighttime use may be provided by the parking facilities of a use considered to
37 be primarily a daytime use.
38
39 2. Identify the location and identity of each use that will share the facility.
40
41 3. The projected hours of the operation of each use and the hours during which peak
42 parking demand will be experienced.

- 1
2 4. A site plan that provides for a distance of no greater than 300 (300') feet from the
3 nearest entrance of each use to the nearest edge of the parking facility.
4
5 5. The site plan that demonstrates the proposed shared parking facility will comply
6 with all standards required by this code for parking lot development.
7

8 Planner Hawkins reported that staff recommended approval since the use is compatible with the
9 underlying zone with the special conditions set forth in the staff report.
10

11 Planner Hawkins identified the red line on the site plan as the property line and stated that the
12 development will be constructed north of the property line. He was asked about the development
13 on a nearby lot. He deferred to the applicant who confirmed that with the removal of the parking
14 island, which contained 30 spaces, eight spaces would be lost, which supported the need for the
15 joint spaces.
16

17 Commissioner Hargett asked about usage of the parking lot during the day, as she passes that area
18 daily and sees a lot of cars parked there. Planner Hawking stated that he had spoken with
19 representatives of the Hyatt, who stated that their peak parking hours are from 10:00 p.m. to
20 10:00 a.m. for most of their customers. Chipotle closes at 10:00 p.m. and there is a gap in time
21 between when Chipotle opens at 10:30 a.m. and the peak hours of Hyatt ends. He did not have
22 information about parking during the non-peak hours for Hyatt Hotel. Commissioner Hargett
23 stated that her observation was that the lot is pretty full during the daytime.
24

25 The applicant, Elliott Smith, from TerraForm had nothing to add but was available to answer
26 questions. Commissioner Hargett asked about daytime parking. Mr. Smith did not have
27 information about Hyatt but confirmed that Chipotle gets busy between 11:00 a.m. and 1:00 p.m.
28 He recommended that they have a pick-up-only drive-thru for online orders, which does not create
29 lines like as seen at other drive-thrus. When asked what impact staking will have on Hyatt, Mr.
30 Smith stated that customers usually figure the parking issues out. When there have been problems
31 in other areas, they cross-hatched areas of "no parking" which resolved the issue. A question was
32 raised about an adjacent development and if there was a Shared Parking Agreement between that
33 development and the Hotel. Mr. Smith responded that it was not up to him to discuss that matter,
34 but that the other applicant was present in the audience. Planner Hawkins stated that there was a
35 parking agreement between the other development and Hyatt and none of the agreements exceeded
36 the number of spaces required.
37

38 City Engineer, Aaron Wilson, was asked about any traffic pattern issues and stated that there were
39 no issues. Staff's concern was with the potential standard drive-thru line, which was not proposed.
40 He stated that the accesses for both new businesses were not available directly from Pleasant Grove
41 Boulevard but there would be accesses from the lane behind between them and Evermore Park and
42 through the Hyatt Hotel parking lot

1
2 Chair Butler opened the public hearing. There were no public comments. The Chair closed the
3 public hearing and invited the Commission to either continue the discussion regarding this item or
4 he would entertain a motion if no further discussion was necessary.
5

6 **MOTION:** Commissioner Fugal moved the Planning Commission APPROVE the request of
7 Elliott Smith for the Conditional Use Permit to allow five joint parking spaces on property located
8 at approximately 465 South Pleasant Grove Boulevard on property zoned The Grove –
9 Commercial Sales Subdivision (GRV-CS) Zone; and adopting the exhibits, conditions, and
10 findings of the staff report, and as modified by the conditions below:
11

- 12 1. The proposed site plan will be subject to review and approval by staff;
- 13
- 14 2. Parking facilities must be built with impervious materials such as asphalt or
15 concrete as required by engineering;
- 16
- 17 3. Any alterations to any existing structure or new structures would require a Building
18 Permit; and
- 19
- 20 4. All final Planning, Engineering, and Fire Department requirements are met.
21

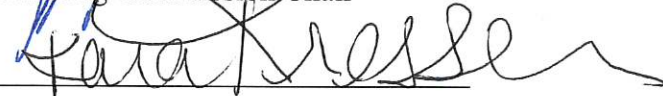
22 Commissioner Phillips seconded the motion. The Commissioners unanimously voted “Aye”. The
23 motion carried.
24

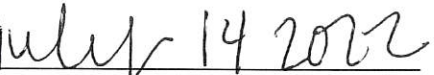
25 **ITEM 8 – Review and Approve the Minutes from the May 26, 2022, Planning Commission**
26 **Meeting.**
27

28 **MOTION:** Commissioner Fugal moved to APPROVE the minutes of May 26, 2022, as printed.
29 Commissioner Martineau seconded the motion. The Commissioners unanimously voted “Aye”.
30 The motion carried.
31

32 **MOTION:** Commissioner Phillips moved to ADJOURN the meeting at 8:05 p.m. Commissioner
33 Fugal seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.
34

35 
36 _____
37 Planning Commission Chair

38 
39 _____
40 Kara Kresser, Planning Tech

41 
42 _____
Date Approved