PLEASANT GROVE CITY
PLANNING COMMISSION MEETING MINUTES
March 28, 2019

PRESENT: Chair Dustin Phillips, Vice-Chair Tamara Oborn, Commissioners Peter Steele, Jeffrey Butler, Todd Fugal, and Tim Clyde

EXCUSED: Commissioners Sam Sanderson and Bobbie Jo Blake

ABSENT: Commissioner Lisa Combs.

STAFF: Community Development Director Daniel Cardenas, City Planner Rylee Hall, City Engineer Shaun Hilton, Planning and Zoning Assistant Kelly Evans

Chair Phillips opened the meeting at 7:00 p.m.

Commission Business:

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

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

3. Agenda Approval:

   • MOTION: Commissioner Oborn moved to APPROVE the agenda as part of public record. Commissioner Fugal seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.

4. Staff Reports:

   • MOTION: Commissioner Steele moved to APPROVE the staff reports as part of the public record. Commissioner Butler 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 Daniel Thomas to Amend Pleasant Grove City Code Section 10-19-3 E: Minimum Setback Requirements for Signs and Section 10-19-6 D: Location Standards for Signs, in Order to Allow for Commercial Signs to be Located Within the Public Right-of-Way in a Landscape Median. CITYWIDE

Community Development Director, Daniel Cardenas, presented the staff report and explained that the applicant has requested a Code amendment to change the portion of City Code that prohibits commercial signs in the public right-of-way by adding language that would allow the City Council to waive this restriction. The item was continued from the previous meeting for further research. Staff looked at other cities but were unable to find any examples of codes that allow commercial signs in the public right-of-way. In speaking with other city planners, it was clear that it would be difficult to have land use regulations on this and it would be better handled with a legal contract, such as a development agreement. During the previous meeting, the Planning Commission raised concerns about free speech, transferability issues, maintenance, and liability to the City. Director Cardenas looked into the sign at Daybreak. The planners for South Jordan explained that the City and the developer agreed to the signage in the median. The Planning Commission also suggested that the applicant donate the sign to the City, which would require a legal document rather than land use regulation. Staff recommended denial of the application or making a recommendation that the City Council pursue this via development agreement.

Commissioner Butler inquired about the pros and cons of putting this into a development agreement. Director Cardenas explained that it would be difficult to come up with language for a development agreement because this is unprecedented, however, all of the concerns raised by the Commission could be addressed with a development agreement.

Commissioner Fugal asked if the Planning Commission should deny this application if they would rather pursue the development agreement option. Director Cardenas stated that language could be added to the proposal requiring a development agreement if the City Council chooses to grant the waiver.

Commissioner Butler was concerned that a development agreement to allow signage in the public right-of-way would be contrary to what was allowed in the City Code. It seemed that the Code language would still have to be changed to allow this use.

Commissioner Clyde was concerned because signage could include a lot of things. The one in Daybreak was almost a landscape feature, but the lack of definition could open this up to almost anything.
The applicant, Daniel Thomas from St. John Properties, understood the Commission’s concerns and recognized that it was not a common request. He appreciated that the City was willing to consider this. The purpose of the sign was not to advertise the development company, but the development itself. Mr. Thomas liked the idea of a development agreement.

Commissioner Butler asked if St. John Properties would be willing to remove the company name and just have “Valley Grove”. Mr. Thomas answered affirmatively. Commissioner Butler stated that one of the concerns raised at the last meeting was that the City would be promoting and sponsoring specific developers by allowing this but removing the company name would eliminate that concern.

There was a brief discussion regarding maintenance of the sign.

Commissioner Clyde thought the applicant would handle this situation well but was concerned about future developers in other areas of the City. Mr. Thomas stated that the proposal would limit the possibility of a waiver to the Interchange Subdistrict of The Grove Zone.

Chair Phillips opened the public hearing. There were no public comments. Chair Phillips closed the public hearing.

Commissioner Oborn was uncomfortable with the Code language allowing the City Council to waive the law with a development agreement. She was worried about the ethics of the proposal and felt it would be dangerous for the City.

Commissioner Butler asked if there was other language they could use to accomplish the same request. Commissioner Fugal had been thinking of other options but was not comfortable approving any of it tonight.

Commissioner Oborn commented that Daybreak is a residential neighborhood with some commercial uses, while this was development is purely commercial.

Director Cardenas reminded the Commission that this would be a recommendation to the City Council, who would make the final decision. They could recommend denial or approval with a list of their findings. They did not have to come up with exact language right now. He did not think it was in the best interest of the applicant to continue the item again.

Mr. Thomas noted that similar language exists in the zoning code for the Interchange Subdistrict. It seemed that there was conflict with the word “waive”. Maybe there was a better term to use that was comparable to what is already in the ordinance.

Commissioner Oborn could not see how this language could work from an administrative perspective. The Planning Commission’s duty is to follow the ordinances.
Commissioner Steele was not in favor of signage in medians in general.

**MOTION:** Commissioner Oborn moved that the Planning Commission recommend that the City Council DENY the request of St. John Properties for the proposed amendments to City Code Sections 10-19-3 and 10-19-6: Location Standards for Signs, based on the following findings:

1. The specific language in this code is legally difficult and ethically uncomfortable, and it could be applied too broadly in other areas of the Code.

2. The Planning Commission feels that there are issues with commercial signs in public right-of-way.

3. However, if there are other ways to overcome this difficulty, the Planning Commission encourages the City Council to discuss and look into them.

The motion failed for lack of second.

Commissioner Fugal wanted to forward a recommendation of denial based on the language, but then forward a recommendation that the City enter into a development agreement that meets legal requirements and planning standards within the City Code.

Commissioner Clyde was concerned that the current Code does not allow for signage in the public right-of-way at all, but they would be allowing a development agreement that would go against that code.

Commissioner Steele felt like this kind of Code change should come through the Planning Commission for a recommendation anyway. If they cannot find a way to be comfortable recommending something to the City Council, maybe they should continue it until they could come up with the language on their own. The Planning Commission shouldn't withdraw itself from the process. They could come up with specific suggestions to make this proposal work, such as limits on placement, size, color, illumination, etc.

Commissioner Butler noted that the developer was approached by City personnel about the idea of putting signage in the median.

**MOTION:** Commissioner Oborn moved that the Planning Commission recommend that the City Council DENY the request of St. John Properties for the proposed amendments to City Code Sections 10-19-3 and 10-19-6: Location Standards for Signs, based on the following findings:

1. The Planning Commission feel that the language in the Code is legally difficult and unethical, because it allows or could allow that language to be applied to many other places in the Code, which could be dangerous.
2. There are also safety concerns of having signage in the right-of-way, and creating code to allow commercial signage in the public right-of-way could be a liability to the City.

3. There are concerns with free speech issues with allowing commercial advertising on public land.

Commissioner Steele seconded the motion. Vote on motion: Commissioners Steele, Oborn, Butler, Fugal, and Chair Phillips – Aye; Commissioner Clyde – Nay. The motion passed 5-to-1.

ITEM 2 – Public Hearing to Consider the Request of Bradford Mason for a Two-Lot Residential Preliminary Subdivision Plat called Mason Subdivision on Property Located at Approximately 488 North 500 East in the R1-8 (Single-Family Residential) Zone. MONKEY TOWN NEIGHBORHOOD

City Planner, Rylee Hall, presented the staff report regarding a two-lot residential preliminary subdivision plat at the address listed above. The total area of the subject property was 0.75 acres, or 24,829 square feet. The proposed lots would meet or exceed the minimum requirements for lot size, width, area, and frontage for the R1-8 zone. Staff recommended approval of the application.

Commissioner Butler asked if both lots would access 500 North. Ms. Hall clarified that one lot would access 500 North and one would access 500 East.

Chair Phillips opened the public hearing. There were no public comments. Chair Phillips closed the public hearing.

MOTION: Commissioner Steele moved that the Planning Commission forward a positive recommendation of APPROVAL for the request of Bradford Mason for the Subdivision Plat ‘A’, on property located at approximately 488 North 500 East, in the R1-8 (Single-Family Residential) 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 Butler seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.

ITEM 3 – Review and Approval of the Minutes from March 14, 2019 Planning Commission Meetings.

Commissioner Clyde noted that he was not present at the meeting.

MOTION: Commissioner Butler moved that the Planning Commission APPROVE the minutes from the March 14, 2019 Planning Commission meetings, with the correction stated.
Commissioner Steele seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.

MOTION: Commissioner Oborn moved to adjourn the meeting at 7:56 p.m. Commissioner Steele seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.

Planning Commission Chair

Barbara Johnson, Planning Tech

4-11-19

Date Approved