PLEASANT GROVE CITY
PLANNING COMMISSION MEETING MINUTES
AUGUST 22, 2019

PRESENT: Chair Dustin Phillips, Vice-Chair Tamara Oborn, Commissioners Bobbi Jo Blake, Lisa Coombs, Peter Steele, Tim Clyde, and Todd Fugal

EXCUSED: Commissioner Jeffrey Butler

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

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

Commission Business:

1. Pledge of Allegiance: Chair Phillips led the Pledge of Allegiance.

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

3. Agenda Approval:

   • MOTION: Commissioner Coombs moved to APPROVE the agenda as part of public record, with Items 1 and 2 being switched. Commissioner Oborn seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.

4. Staff Reports:

   • MOTION: Commissioner Blake moved to APPROVE the staff reports as part of the public record. Commissioner Coombs seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.

5. Declaration of Conflicts and Abstentions from Commission Members: Commissioner Fugal declared conflicts with Items 3 and 5.
ITEM 2 – Public Hearing to Consider the Request of Azy Sharp, GSBS Architects, for a Two-Lot, One-Parcel Commercial Preliminary Subdivision Plat called ASEA Office ‘A’ on Property Located at Approximately 1488 West Pleasant View Drive in The Grove Zone – Commercial Sales Subdistrict.  **SAM WHITE’S LANE NEIGHBORHOOD**

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

City Planner, Rylee Hall, reported that the applicant is requesting approval of a two-lot, one-parcel preliminary subdivision called ASEA Office Plat ‘A’ on property located at approximately 1488 West Pleasant View Drive in The Grove Zone – Commercial Sales Subdistrict. Also requested was approval of a site plan for a four-story office building, on Lot 2 of the proposed subdivision. There is an existing office building on Lot 1, which was approved at the August 25, 2016 Planning Commission Meeting. The proposed subdivision occupies a total area of 14.35 acres, or 624,956.5 square feet. Frontage will be provided via public roads, Pleasant View Drive, and Mountain View Lane and exceed 25 feet for all lots. The proposed subdivision was determined to meet all City Code zoning requirements.

Ms. Hall presented the proposed site plan for Lot 2, which contains a four-story office building totaling approximately 92,700 square feet. The building will be 70 feet at its tallest point. The site also features a two-level parking terrace located on the north eastern portion of the property. The required building setback in the zone is 25 feet measured from the front lot line, bordering Mountain View Lane. No side or rear setbacks are required. The parking requirement for business or professional office is one stall per 300 square feet. With 92,700 total square feet, 309 parking spaces are required. The site provides 264 stalls in the parking lot and 244 stalls in the parking structure, for a total of 508 stalls.

Ms. Hall noted that the site plan also provides 11 ADA stalls and 25 bicycle parking spaces. With respect to the landscaping requirements, Ms. Hall explained that the zoning ordinance requires a mix of landscaping elements, including evergreens. At least one tree is required per 1,000 square feet of landscaped areas. In addition, at least 30% of the total number of required trees shall be evergreen. The proposed site plan was determined to meet the landscaping requirements for the zone. The site plan and architectural designs were reviewed by the Design Review Board (DRB) who recommended approval.

Commissioner Blake asked if the proposed elevations match the existing building. Ms. Hall answered in the affirmative.

The applicant, Jesse Allen from GSBS Architects, explained that the selected building materials were intended to match the building in Phase 1. It was noted that the building will be taller than the existing building.

Chair Phillips opened the public hearing. There were no public comments. Chair Phillips closed the public hearing and said he would entertain a motion if no further discussion is necessary.
MOTION: Commissioner Oborn moved that the Planning Commission forward a recommendation of APPROVAL for the request of Azy Sharp, GSBS Architects for the subdivision plat called ASEA Office Plat ‘A’, on property located at approximately 1488 West Pleasant View Drive, in The Grove Zone – Commercial Sales Subdistrict; and adopt the exhibits, conditions, and findings contained in the staff report, and as modified by the conditions below:

1. All Final Planning and Fire Department requirements shall be met.

2. The applicant/developer shall negotiate an agreement with the Public Works Department regarding the construction of 1300 West, including a 48-inch storm drain line with new improvements.

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

ITEM 1 – Public Hearing to Consider the Request of Azy Sharp, GSBS Architects, for a Site Plan of a Four-Story Office Building Located at Approximately 1488 W Pleasant View Drive in The Grove Zone – Commercial Sales Subdistrict. SAM WHITE’S LANE NEIGHBORHOOD

NOTE: Items 1 and 2 were discussed simultaneously.

MOTION: Commissioner Steele moved that the Planning Commission APPROVE the request of Azy Sharp, GSBS Architects for the proposed site plan on property located at approximately 1488 W Pleasant View Drive, in The Grove Zone – Commercial Sales Subdistrict; 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 shall be met.

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

ITEM 3 – Public Hearing to Consider the Request of Melanie Harper for a Conditional Use Permit to Run a Physical Body Therapy Business from Her Residence Located at Approximately 569 E Center Street in the R1-7 (Single-Family Residential) Zone. MONKEY TOWN NEIGHBORHOOD

NOTE: Due to a conflict of interest, Commissioner Fugal recused himself from the discussion.

Ms. Hall presented the staff report and stated that the applicant was requesting approval to run a major home occupation from their residence at 596 East Center Street. The proposed home occupation is a health and wellness consultation with soft tissue therapy called Bowen Therapy. They will offer gentle, hands-on, therapy applied to muscles, tendons, and ligaments. The applicant was requesting the ability to see up to four clients at one time. By allowing this, the
“intensity” of the use increases. The Planning Commission may allow increases in the intensity of home occupations through approval of a Conditional Use Permit. The applicant has indicated that she has no employees and sees four to six clients per day. She was requesting the approval of a Conditional Use Permit that would allow her to see up to four clients at a time based on her ability, available parking, and the assurance that there are no adverse impacts on the neighborhood. Ms. Hall noted that the applicant was not requesting any employees at this time. She presented a site plan of the property and identified the designated parking areas for clients. The proposed business complies with Code requirements for major home occupations.

In response to a question raised by Commissioner Blake, Ms. Hall confirmed that the applicant would need to obtain another Conditional Use Permit if she desires to hire another employee.

Ms. Hall noted that no on-street parking is allowed for major home occupations. The subject property is a flag lot, and the flag stem could not be used for parking. The applicant can provide five off-street parking spaces, which staff felt was sufficient.

Chair Phillips opened the public hearing. There were no public comments. Chair Phillips closed the public hearing and said he would entertain a motion if no further discussion is necessary.

**MOTION:** Commissioner Blake moved that the Planning Commission APPROVE the request of Melanie Harper for a Conditional Use Permit to operate a health and wellness consultation business with soft tissue therapy as a major home occupation, on property located at 596 East Center Street, in the R-1-7 (Single-Family Residential) Zone; and adopt the exhibits, conditions, and findings contained in the staff report, and as modified by the conditions below:

1. The applicant is the only employee.
2. The applicant may see up to four (4) clients per hour.
3. At least two (2) parking spaces need to be maintained for the residents’ vehicles that are not used for business purposes.
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 Clyde seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.

**ITEM 4 - Public Hearing to Consider the Request of Chase Michaelis for a Conditional Use Permit for a Major Home Occupation to Run an Online Sales Business with Non-Residential**
Employees on Property Located at Approximately 672 South 900 East in the R1-9 (Single-Family Residential) Zone. **SCRATCH GRAVEL NEIGHBORHOOD**

**NOTE:** Commissioner Fugal rejoined the meeting.

Ms. Hall presented the staff report and stated that the applicant is requesting approval to run a major home occupation from her residence located 672 South 900 East. The proposed home occupation involves online sales called Project Chase LLC, that involves an online Ebay store and orders shipped by mail. No clients or customers will come to the residence. The applicant was requesting up to two (2) non-resident employees for the business. By adding employees, the “intensity” of the use increases. It was noted that the Planning Commission may allow increases to the intensity of home occupations through the approval of a Conditional Use Permit. Ms. Hall addressed the general requirements for all home occupations, and requirements for major home occupations.

Ms. Hall stated that the subject property is about 13,895 square feet in size or 0.32 acres. Therefore, up to two (2) non-residential employees may be allowed. More employees may be approved as long as the number of non-resident employees does not exceed the number of residents living in the home. She presented a site plan of the property and identified the available off-street parking spaces.

The applicant, Chase Michaelis, described the business and confirmed that they send out packages daily. They used to have individuals pick up items at the home, but he discontinued that practice a few weeks ago. They now meet with individuals in the nearby Walmart parking lot for pickups. For packages, there will be one UPS pickup and one USPS pickup per day, in addition to deliveries. With regard to the site plan, he identified the parking spaces for employees, and the sidewalk to the walk-in basement. His employees will be on the premises working from 9:00 a.m. to 5:00 p.m.

Chair Phillips opened the public hearing.

Commissioner Oborn read an email the Commission received from Scott Westover who resides at 905 East 640 South. The email expressed his concerns about the business, which he felt was too large to be run out of a home.

Commissioner Oborn read an attached petition that the Commission received from the neighbors, which contained 38 signatures. The petition was in opposition to the applicant’s business operating out of their home.

Sheryl Wilson gave her address as 882 East 640 South. She was opposed to the home-based business. There had been previous concerns with the business in the neighborhood, including excessive and unnecessary traffic. On July 30 around 11:00 a.m. Ms. Wilson witnessed a UPS truck, a USPS truck, and two other delivery trucks come to the applicant’s residence. At 1:00
p.m. the same day, a van parked in front of her home and waited there for some time. She approached the driver who indicated that he was waiting for Mr. Michaelis, from whom he was purchasing some electronic equipment. The transaction and the driver left, and then two more individuals came and did the same thing 45 minutes later. Over the next few hours, she counted 12 cars picking up items from the applicant.

Chair Phillips asked if she has seen such traffic since the applicant moved the location for customer pickup. Ms. Wilson said that there were no longer customers coming to the home, but there is still a large number of deliveries.

Jerry Bastian, who resides at 925 East 640 South, identified the reasons he purchased his home in the neighborhood and stated that everything was fine until the last few months when Mr. Michaelis decided to bring a full-fledged business into their residential neighborhood. The business brought strangers into the neighborhood, increased traffic, and put neighborhood children at risk. He had seen strangers take pictures of people in the neighborhood, which was unsettling. He asked that the City stop this operation.

Adrian Dominquez gave her address as 911 East 640 South and agreed with the previous concerns raised. Mrs. Dominquez stated that her husband travels 300 days out of the year and she is concerned for her safety and the safety of the children in the neighborhood. She commented that the neighborhood is no longer peaceful. She was also worried about how the business has impacted their property values and commented on a recent incident involving drug dealing in the neighborhood. She stressed that the business should not be in a residential neighborhood.

Dr. Melissa Smith gave her address as 891 East 640 South and shared the same concerns as her neighbors, particularly with regard to traffic from deliveries. Dr. Smith stated that she is also a local business owner and both of her businesses are conducted in an area that is zoned for it. She questioned why the applicant does not move the business to a commercial area.

Chair Phillips asked the residents about the size of the delivery trucks. The residents stated that they had seen very large vehicles come into the cul-de-sac, including semitrucks.

Dave Miller gave his address as 644 South 900 East and read language from the General Plan regarding residential land uses and opined that businesses do not fit the City’s vision for residential land uses. Mr. Miller confirmed that he had seen strangers wandering the neighborhood and looking over fences and into windows. He did not want the business to continue to operate out of the applicant’s home.

Lisa Jones, who resides at 641 South 900 East, expressed concern with the safety of neighborhood children. She asked how much traffic is “too much” and at what point a business is deemed too intense for a residential neighborhood.
**Kacy Miller** gave her address as 644 South 900 East and stated that she has had people peek over her fence at her and her children. She did not feel safe letting her children play outside. At one point, Mr. Michaelis’ garage was full of boxes and he had four cars parked in front of Ms. Miller’s home for several weeks. She spoke with Mr. Michaelis about this and he moved the vehicles and parked them in front of his own home. She confirmed that a few months earlier she saw a semi-truck back into the cul-de-sac.

Dr. Smith asked why the Commission continues to ask if the deliveries and other traffic has changed recently. Even without the individual pickups, the traffic is constant. Chair Phillips stated that it is important because the applicant has indicated that the business model changed. Traffic would be different if individuals were not into the neighborhood any longer. If the residents have not observed changes over the last 30 days, the Commission needs to know.

**Quinn Wilson** gave his address as 882 East 640 South and shared an experience from Saturday, July 27. Two men approached him asking if he was Chase. They were told to meet him at the house on the corner at 640 South. Mr. Wilson did not understand why Mr. Michaelis didn’t just give them his address. He was concerned that delivery and pickup traffic will only increase with the upcoming holiday season.

**Greg Christensen**, who resides at 875 East 640 South, stated that his home has been used as a pickup location for the applicant’s merchandise as well. He did not appreciate the additional traffic and people coming to his home. Mr. Christensen felt that the business should take place in a commercial area.

Mr. Bastian noted that no testimonies have been given in support of the business. If the City grants the Conditional Use Permit, it would be contrary to the wishes of the community.

There were no further public comments. Chair Phillips closed the public hearing and invited the Commission to continue their discussion.

Chair Phillips invited the applicant to address the concerns raised by the residents. Mr. Michaelis said that he was not aware that on-street parking was not allowed with his previous Conditional Use Permit. He hired two high school students to take care of his yard, so two of the cars belong to them. Pickups only occur twice per day with one from UPS and one from USPS. Other visits from delivery trucks were for his products and things that his wife orders personally. There would no longer be any customer pickups in the neighborhood.

Commissioner Fugal asked the applicant if he intends to grow the business further. Mr. Michaelis answered in the negative and stated that he does not intend to have any more employees and the preparty has no more capacity for growth.
In response to a question from Commissioner Blake, Mr. Michaelis confirmed that it is possible to have multiple deliveries per day because customers return merchandise. In response to a question raised by Commissioner Blake, Mr. Michaelis stated that he had no interest in having a storefront and that he believes the business fits within the home and he is compliant with all Code regulations.

Commissioner Blake stated that there had been some Code violations, so he wasn’t completely compliant. If the Conditional Use Permit is granted and Mr. Michaelis continues to violate Code, the business license could be revoked. Chair Phillips added that the residents can report any violations to the City.

Commissioner Blake suggested including a condition that the applicant is not allowed to sell merchandise out of his home. That is a general requirement for home occupations but it should be spelled out in the Conditional Use Permit.

Community Development Director, Daniel Cardenas confirmed that the business license could be revoked at any time if the Conditional Use Permit is violated. The conditions they want to impose on the business need to be perfectly clear.

The Commission discussed deliveries and questioned whether they could impose a condition on the number of daily deliveries to the home. They decided it would be difficult for the applicant to control this.

Commissioner Fugal felt that the business does not meet Subsection D of the Home Occupation Code. Sales, such as those being performed by the Applicant, are expressly prohibited. Commissioner Oborn added that the Code also addresses the impact to the neighborhood. It was obvious that the neighbors have been adversely impacted. She struggled with this application because of the prior violations and complaints from the residents. If the application complies with the Code, the Conditional Use Permit must be approved.

Director Cardenas explained that the applicant currently has a minor home occupation and he is not compliant. There was a police incident, and the officer stated that the activity could not continue. For this reason, the applicant was now applying for a Major Home Occupation Conditional Use Permit.

Commissioner Oborn asked if they could deny the request because the applicant is not in compliance with the current permit and require him to comply with the basic requirements before increasing the intensity of his business.

Commissioner Coombs stated that the applicant, as a business owner, should have ensured that he was in compliance with the permit.
Director Cardenas read from the State Code regarding when a Conditional Use Permit can be denied. The permit needs to be approved if the land use authority can impose reasonable conditions to mitigate potential issues. If the concerns cannot be reasonably mitigated, the land use authority may deny the Conditional Use Permit.

Commissioner Fugal expressed a concern regarding the Commission’s ability to apply conditional uses to a use that is not an allowed use in the zone. The Commission questioned whether the businesses meets the Code requirements because it involves selling items from the home. Chair Phillips called for a motion.

**MOTION:** Commissioner Steele moved that the Planning Commission CONTINUE the request of Chase Michaelis for a Conditional Use Permit to operate an online business as a Major Home Occupation on property located at 672 South 900 East, in the R1-9 (Single-Family Residential) Zone, until the September 12, 2019 Planning Commission Meeting; based on the following finding:

1. The Planning Commission requested that staff seek the opinion of the City Attorney on whether a sales-based business that does not produce a product, and doesn’t provide services, is allowed under the Code.

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

**ITEM 5** – Public Hearing to Consider the Request of Deny Farnworth for a Four-Lot Preliminary Subdivision Plat called Adam’s Acres Subdivision Plat ‘B’, on Property Located at Approximately 950 East 200 South in the R1-9 and R1-10 (Single-Family Residential) Zones.

**SCRATCH GRAVEL NEIGHBORHOOD** *Continued from the August 8, 2019 Planning Commission Meeting.*

**NOTE:** Commissioner Fugal recused himself from the discussion.

Ms. Hall explained that the applicant was requesting approval of a four-lot residential subdivision, called Adam’s Acres Subdivision Plat ‘B,’ located at the address listed above, in the R1-9 and R1-10 (Single-Family Residential) Zones. The General Plan designation for the property is Medium and Low-Density Residential. Street improvements for the proposed lots were not existing and would be required with future development. The proposed subdivision occupies a total area of 1.41 acres or 61,419.6 square feet. The proposed lots were determined to meet all zoning requirements for lot size, width, and frontage. City Code requires that each corner lot in R1-9 (Single-Family Residential) Zone be at least 10 feet wider than the minimum required width for interior lots, and Lot 8 meets this requirement. Lot 10 is a flag lot and meets all requirements for the R1-10 (Single-Family Residential) Zone, with the exception of the frontage requirement. Given the unique topographical features of the property and the ditch.
running north to south through the property, staff determined that a flag lot was appropriate in the proposed plat and poses no foreseeable negative impacts on the neighboring lots or community as a whole.

Ms. Hall presented the proposed vicinity plan for the area. If approved, the proposed vicinity plan would replace the existing vicinity plan. Staff recommended approval of the application.

Chair Phillips opened the public hearing.

Dale Monk identified himself as the son-in-law of Vic Hammond. He expressed their support for the proposed vicinity plan.

There were no further public comments. Chair Phillips closed the public hearing and said he would entertain a motion if no further discussion is necessary.

**MOTION:** Commissioner Coombs moved that the Planning Commission forward a positive recommendation of APPROVAL for the request of Deny Farnworth for the Subdivision Plat called Adam’s Acres Plat ‘B’ and the proposed Vicinity Plan, on property located at approximately 950 East 200 South, in the R1-9 and R1-10 (Single-Family Residential) Zones; 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. All Final Planning, Engineering, and Fire Department requirements are met.

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

**ITEM 6 – Public Hearing to Consider the Request of Clay M. Liston to Rezone Approximately 5.027 Acres from the R1-8 (Single-Family Residential) Zone, with Minimum Lot Area of 8,000 square feet per lot, to the R1-7 (Single-Family Residential) Zone, with Minimum Lot Area of 7,000 square feet per lot, on Property Located at Approximately 900 West 1100 North. NORTH FIELD NEIGHBORHOOD**

**NOTE:** Commissioner Fugal rejoined the meeting.

Director Cardenas presented the staff report and stated that the applicant was requesting approval of a rezone of approximately 5.027 acres of property at the address listed above from R1-8 to R1-7 to facilitate a residential subdivision. The applicant approached the City with a concept plan for the subdivision; however, some of the lots did not meet the requirements for lot width. As the proposal cannot meet the requirements for lot width and still be able to subdivide the
property into the number of lots that the applicant pursued, the applicant was seeking to rezone the property because the R1-7 lot width requirements are less intense.

Pleasant Grove City Code has the requirements marked in bold letters with regard to dimensions for any lot in the R1-8 Zone. He clarified that the lot width requirement is 85 feet in the R1-8 Zone, and 70 Feet in the R1-7 Zone. Director Cardenas explained that the Code allows for lot size averaging, but the language only listed R1-10, R1-12, R1-15, and R1-20 as appropriate zones for lot size averaging.

Director Cardenas showed a map of the property and explained that the south property line is approximately 330 feet, which is wide enough for three lots under the current zoning. The length is approximately eight feet too short to accommodate four lots, as the applicant desires. The R17 Zone is not widely used throughout the City, and there are no properties with that zoning in the immediate area.

Staff recommended denial of the application, because it is difficult for staff to consider a rezone based on a specific development. Director Cardenas believed there were other solutions that they could pursue to help the applicant develop the property. The request would be heard by the City Council on September 17. If the Planning Commission wants to continue the item for further discussion, they would be having another meeting before the aforementioned City Council Meeting.

The applicant, Clay Liston, presented the concept subdivision plat and stated that his family had owned the subject property for over 50 years. The entire block around the property has already been developed. The reason they were requesting the rezone was not to have smaller lots. The property is eight feet short of allowing four lots and that calculated out to two feet per lot. Rezoning seemed the easiest path to pursue.

The Commission expressed concern with making a zone change based on a specific plat. They need to consider what could happen to the property if the applicant fails to develop after the property is rezoned. There was discussion about setting a precedent for other properties in the area. Mr. Liston didn’t believe they would be setting precedent with the rezone, because all of the surrounding properties have been developed. If they maintain the current zoning, they would develop three very large lots, which is not consistent with the rest of the neighborhood.

Commissioner Oborn asked if they could make their plan work if lot size averaging were allowed in the R1-8 zone. Staff stated that the Engineering Department would have to look at the application to be sure.

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

Commissioner Blake didn’t think a rezone was appropriate for the property and was more comfortable using lot size averaging. The Planning Commission discussed how adding R1-8 to
the lot size averaging option could impact the City as a whole. Director Cardenas noted that it would be a lengthier process to change the Code than to grant a rezone.

Commissioner Clyde had no issue with the rezone request and didn’t think it would set a precedent for other properties to rezone. The City was to consider rezone requests on a case-by-case basis.

There was continued discussion regarding potential precedent with granting a rezone request.

Chair Phillips said he would entertain a motion if no further discussion is necessary.

**MOTION:** Commissioner Clyde moved that the Planning Commission recommend that the City Council APPROVE the request of Clay Liston to rezone approximately 5.027 acres of property at approximately 2150 North 100 East, from the R1-8 (Single-Family Residential) Zone to the R1-7 (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 Steele seconded the motion. Vote on motion: Commissioners Clyde, Steele, Oborn, Blake, and Chair Philips voted “Aye”; Commissioners Fugal and Coombs voted “Nay”. The motion carried 5-to-2.

**ITEM 7 – Public Hearing to Consider the Request of Larry Myler for a Two-Lot Preliminary Subdivision Plat called Hidden Springs Subdivision Plat ‘A’ on Property Located at 1475 W State Street in the Grove Mixed-Use (GMU) Overlay Zone.**

Director Cardenas reported that the applicant received approval of a two-lot preliminary subdivision called Hidden Springs Subdivision Plat ‘A’ at the beginning of the year. The approval encompassed the subdivision of the land into two lots, the lot with frontage along State Street that would be developed as a commercial lot and the lot behind, which would be subsequently developed as a residential condominium plat. As the plat was approved, UDOT purchased land from the approved subdivision to accommodate the future expansion of State Street. As the configuration of the approved subdivision changed, it was necessary to amend the plat to represent the changes. The approved subdivision covered a total area of 22.7 acres, and the proposed subdivision consists of approximately 19 acres. Director Cardenas stated that the area of the proposed Lot 1 would remain the same at about 13.55 acres, while the proposed Lot 2 would be reduced to about six acres. Staff recommended approval of the application.

The applicant, Larry Myler, gave a brief update of the project. He stated that they would be moving forward quickly because they have commercial tenants and buyers.
Chair Phillips opened the public hearing. There were no public comments. Chair Phillips closed the public hearing and said he would entertain a motion if no further discussion is necessary.

**MOTION:** Commissioner Fugal moved that the Planning Commission forward a positive recommendation of APPROVAL for the request of Larry Myler, for the Preliminary Subdivision Plat called Hidden Springs Plat ‘A’, on property located at approximately 1473 West State Street in the Grove Mixed-Use Overlay of The Grove Zone; and adopt the exhibits, conditions, and findings of 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 8 – Public Hearing to Consider the Request of Stone Gate/Dahlia’s Hope to Amend City Code Section 10-13D-3: RCO (Rural Commercial Overlay) Permitted Uses, by Changing the Conditions and Requirements for the Establishment of Use #5811 Restaurants and Use #6519 Other Medical and Health Services, within the R-R (Rural Residential) Zone, RCO (Rural Commercial Overlay). **MANILA NEIGHBORHOOD *Continued from the August 8, 2019 Planning Commission Meeting.*

Director Cardenas stated that the item was continued from the previous Planning Commission Meeting. Staff was asked to create reasonable standards for Use #5811 Restaurants and prohibit overnight stays in Use #6519. In response to that request, staff included a condition stating that the size of the restaurant would be limited by the number of parking spaces available on site. They also included a regulation requiring a minimum lot size of two areas for the restaurant use.

Director Cardenas briefly described the application, which would add two new uses to the RCO Zone. Their intention was to use the Stone Gate venue as a safe place for women who are receiving therapy and recovering from abuse. The proposed restaurant would employ these women so that they can improve their occupational abilities.

The applicant, Jenny Johnson, reassured the Planning Commission that parking would not be an issue. They had an event at the reception center on Saturday where they had two dinners at the same time. There were 200 people in attendance and they had no parking issues.

Chair Phillips opened the public hearing. There were no public comments. Chair Phillips closed the public hearing and said he would entertain a motion if no further discussion is necessary.

**MOTION:** Commissioner Coombs moved that the Planning Commission recommend that the City Council APPROVE the request of Stone Gate for the proposed amendments to City Code Section 10-13D-3 to include Use #5811 Restaurants as a conditional use and Use #6519 Other Medical and Health Services, Therapy Counselling Only as a permitted use in the RCO (Rural
Commercial Overlay) Zone; and adopt the exhibits, conditions, and findings contained in the staff report, and as modified by the conditions below:

1. With the change to the staff report that the minimum lot size requirement for Use #5811 is two (2) acres.

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

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

**ITEM 9 – Public Hearing to Consider the Request of Joe Salisbury to Amend City Code Section 10-11-D-16: CS-2 (Commercial Sales-2) Zone, Multiple-Family Residential Development Requirements, by Changing the Conditions and Requirements for the Establishment of Multi-Family Residential Developments Larger than Five (5) Acres within the CS-2 (Commercial Sales2) Zone. MANILA NEIGHBORHOOD**

Director Cardenas presented the staff report regarding the request to amend the CS-2 Zoning Code regarding multi-family residential development requirements. Originally, the regulations of the CS-2 zone were designed to promote and encourage the development of commercial shopping centers. Later, the City decided to incorporate a residential component to the zone. The residential component was intended to be a secondary use and the City wanted to avoid monotonous development. To prevent this, there was a provision in the Code that required all developments above five acres present a mix of apartments/condominiums, rows of townhomes, and single-family dwellings. The applicant was requesting to expand the threshold that triggers the requirement for three different housing types, because his property is just over five acres in size and he intended to construct only townhomes. If the Code were amended, it would be applicable to any undeveloped property in the CS-2 Zone that is up to eight acres in size. Director Cardenas presented a map of the CS-2 Zone and identified properties that the amendment would impact.

Director Cardenas stated that there was mutual collaboration between staff and the applicant to design a system that could allow for a developer to pass the five acres threshold. The system was basically to come up with a list of additional optional design standards that needed to be met in order to allow the threshold to increase. Currently, every development must incorporate design standards totaling 25 out of 50 points. The list of optional design standards was included in the staff report. The proposal was to come up with a second list of qualifying provisions; however, the applicant and staff did not agree on all of the extra design standards or the point values proposed. Staff’s design standards focused on the site, whereas the applicant’s standards focused on improving the look of the structures. Director Cardenas presented both of the lists. It was important to staff that whatever the extra standards are, that they help the City achieve their goals and objectives through good development. Staff recommends approval of the list of Staff’s design standards.
Commissioner Blake asked if there was a reason why the City required three different housing types for larger developments. She was concerned that such a development would even work on the applicant’s property. Director Cardenas stated that for some time, the City was only getting one type of housing on large developments. They wanted to break that up, so they came up with this regulation. One of the issues staff had been running into is that they cannot record single-family dwellings as part of a condominium plat.

The applicant, Joe Salisbury, showed a presentation of the proposed townhome project. With regard to the additional design standards, he wanted to improve the building design and material because the good quality homes are more attractive. The proposal requires an additional 10 points for every acre over five. He suggested that the Code include all of the additional design standards proposed by staff and himself.

Commissioner Blake asked the applicant if he would still choose to do stone exterior on the building if it did not give him extra points. Mr. Salisbury responded that he would do stone if he could afford it. He was already planning to do four of the six existing additional standards in the first 25 points. With the second 25 points, he was considering additional parking and a few others.

Director Cardenas reminded the Commission that they should review the project as a concept only. The Code amendment would affect all properties within the CS-2 Zone. Referencing the map, the Commission discussed other properties in the zone that would be affected by the proposed amendment.

Commissioner Fugal brought up the possibility of incorporating affordable housing. He asked the applicant if he had looked at the differences between his definition of affordable housing and the City’s definition within the proposed design standards. The applicant answered in the negative. Mr. Salisbury commented that he hadn’t done affordable housing before and it would take a lot of work to put all of the pieces in place. That process would add several months to his project and he did not have that much time set aside for the project.

Chair Phillips opened the public hearing.

Alma Robbins reported that he owns property adjacent to the area, which is also zoned CS-2. He described an easement on the property that is crucial to his business. He was not opposed to having housing on the property, but wanted to ensure that the easement is recognized and maintained.

There were no further public comments. Chair Phillips closed the public hearing. There was a brief discussion among the Commission.
The Commission addressed the proposed additional design standards. Commissioner Steele didn’t see the benefit to the City for additional parking and suggested eliminating that option. A few other items should have a lower point value. He was worried that the developer would choose one or two elements with the largest point value and not explore other options. Director Cardenas stated that this item was scheduled to go before the City Council on September 17, so the Planning Commission could visit this item one more time before then without causing delay. The Planning Commission decided to continue the item for further discussion. Chair called for a motion.

**MOTION:** Commissioner Steele moved that the Planning Commission CONTINUE the request of Joe Salisbury for the proposed amendments to City Code Section 10-11-D-16: Multiple-Family Development Requirements in the CS-2 Zone, until the September 12, 2019 meeting, based on the following findings:

1. The Commissioner requested that staff work with the applicant to combine the proposed point systems.

2. The original additional design standards are to remain.

3. The proposal can be applied to properties between five and eight acres in size.

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

**ITEM 10** – Review and Approval of the Minutes from the August 2, 2019 Planning Commission Meeting.

**MOTION:** Commissioner Steele moved to APPROVE the minutes from the August 2, 2019 Planning Commission meeting, as amended. Commissioner Clyde seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.

**MOTION:** Commissioner Oborn moved to adjourn the meeting at 10:50 p.m. Commissioner Coombs 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

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