

**MINUTES OF A REGULAR PLEASANT VIEW CITY  
PLANNING COMMISSION MEETING HELD**

**May 4, 2023**

[utah.gov/pmn/files/1013215.m4a](https://utah.gov/pmn/files/1013215.m4a)

**MEMBERS PRESENT**

Andy Nef  
Dean Stokes  
Jeff Bolingbroke  
Julie Farr  
Manya Stolrow  
Chad Kotter  
David Gossner  
Sean Wilkinson

**VISITORS**

Kevin Duncan  
Susie Pearson  
David Chug

**MINUTES PREPARED BY:**

Brooke Smith, MMC  
June 18, 2023, 9/15/2023, 9/17/2023

**EXCUSED**

**STAFF PRESENT**

Amy Mabey, City Administrator  
Brandon Bell, Planning and Zoning Administrator

**APPROVED ON:**

December 7, 2023

Commission Chair, Andy Nef, called the meeting to order at 6 pm

**OPENING PRAYER**

**PLEDGE OF ALLEGIANCE**

**DECLARATION OF CONFLICT OF INTREST**

The commission chair expressed gratitude for the commissioners taking time out of their busy schedules to be present. The meeting commenced with the recitation of the Pledge of Allegiance, followed by an opening prayer expressing gratitude for the community and seeking guidance for the decisions ahead. The prayer also acknowledged and sought blessings for the armed services, firefighters, and policemen. Subsequently, attendees reviewed the meeting agenda and addressed any potential conflicts of interest before proceeding to the administrative items on the agenda.

**ADMINISTRATIVE ITEM:**

**Site Plan Review for Kidz Town Daycare (Child care) at the Corner of Lynne Drive (near 2300 North) and Highway 89 - Parcel # 172170006 (Planning & Zoning Administrator, Brandon Bell)**

In the Pleasant View Planning Commission meeting, the focus was on the site plan review for Kidz Town Daycare, slated to be located at the intersection of Lynne Drive and Highway 89, near 2300 North, identified by parcel number 172170006. The property had a history as an old movie theater, and the applicant, Kidz Town, sought to transform it into a daycare facility within the CP-2 zone. The ordinance dictated that a site plan approval was mandatory, emphasizing safety and traffic management. The plan presented by the applicant outlined a circulation strategy, with vehicular access planned from Lynne Drive, a design aimed at accommodating the intermittent and clustered traffic patterns during daycare drop-off and pickup times. Given that daycares were now permitted in the CP-2 zone as per state regulations, the focus shifted to zoning, building permits, and business licensing.

One critical aspect was the technical challenges, particularly utility needs. The applicant had addressed these by providing easements for sewer and culinary provisions, ironing out any potential issues. The site plan demonstrated a well-considered parking layout, aiming to maximize efficiency and circulation, reflecting the applicant's experience and comparisons with other similar facilities. During the Planning

Commission's deliberations, several concerns were raised. These included the need for a buffer zone between the daycare building and adjacent residences, discussions about building height, and traffic flow considerations, especially concerning a nearby bus stop. There was also deliberation about potentially interconnecting adjacent properties to ensure accessibility and prevent any future issues regarding landlocking. The Commission sought further clarifications and additional information from the applicant to address these concerns and recommendations adequately.

Commissioners inquired about the connections to adjacent properties, aiming to ensure smooth access and prevent any future issues related to property access and development. While considering the proposed site plan, the Planning Commission contemplated the impact on the surrounding residential areas. Noise concerns were raised, drawing upon past experiences with similar developments. The presence of a bus stop near the property was emphasized, prompting considerations for traffic management and the safety of the students and pedestrians during peak drop-off and pickup hours. Additionally, the Commission expressed interest in exploring options for enhancing connectivity and access to neighboring properties, envisioning a comprehensive development approach that harmonizes the diverse land uses in the area.

The petitioners, Kevin Duncan and Susie Pearson, were invited to the podium. They were presenting their plans for a specific property located at 4757 Southwest Hard Drive in Roy. A key point of discussion was the potential need for a sound barrier, fence, or plantings along the back section of the property. This concern had been raised by citizens residing in the vicinity. The petitioners referred to a similar setup they had in another location, emphasizing positive feedback from the community and highlighting their regulated operational hours and structured outdoor activity schedules for children.

The petitioners addressed the concern of potential noise, stating that not all children would be outside simultaneously due to the organized schedule and multiple playgrounds. They also explained that the daycare's hours were primarily between nine in the morning and five in the evening, with weekends being off. The commissioners further inquired about the possibility of adjusting the building's layout or position to create a buffer zone. The petitioners expressed their willingness to consider such adjustments while adhering to relevant regulations.

The commissioners discussed the potential to shift the building to create more space or buffer. The petitioners responded affirmatively, expressing their openness to adjust the layout if permitted within regulations. The commission inquired about landscaping and possible adjustments to enhance the property's integration with the neighborhood. The petitioners emphasized their commitment to meeting all requirements and regulations while being flexible to make necessary modifications. The commission commended their cooperative approach and willingness to address the concerns raised during the meeting.

The discussion initiated without a need for an open public hearing.

The floor was opened for any additional questions. The commission then began discussing the presented proposal, expressing positive opinions about the addition being proposed for the city. Despite some concerns raised during the presentation, the general consensus was favorable, acknowledging the potential of the addition and expressing gratitude for the thorough presentation.

## **MOTION**

One of the commissioners made a motion to approve the Kidz Town site plan as presented, incorporating the conditions outlined by the staff. The motion was seconded, and after a brief discussion clarifying the specifics of the motion, the commission proceeded to vote. They unanimously approved the motion.

#### **STAFF RECOMMENDATIONS**

*Staff recommends approval of the Kidztown site plan, with the following conditions of approval:*

- 1. Long Term Stormwater Management Agreement needs to be adjusted to meet requirements of the LID report. Stormwater agreement needs to be tailored to LID measures.*
- 2. Address remaining plan redlines including LID/retention comments, and grading comments. Applicants needs to make adjustments to LID measures and update civil plans to address those issues.*
- 3. The applicant needs to provide an updated will-serve letter from BonaVista Water formalizing comments made in an email, stating that BonaVista will provide secondary water to this site.*
- 4. The Planning Commission should determine if a buffer is needed for this use, and if so, if a fence or plantings is needed, or a combination of both along the rear property line, to accomplish the purpose of buffering from the residential zone.*
- 5. Minor adjustments to building plans be permitted at time of building permit within the requirements of City code.*
- 6. Comments from Public Works Director, which may be forthcoming (and which will be provided prior to the meeting).*
- 7. Applicant should make their case regarding parking amount.*

#### **LEGISLATIVE ITEMS**

**Zoning Map Amendment (Rezone) – RE-20 zone to R-1 zone at approximately 3885 North and Highway 89**

**i. Consider a recommendation to City Council to rezone property from the RE20 zone to the R-1 zone at approximately 3885 North and Highway 89 –including Parcel #'s 194030001, 194030002, 194030003 (Planning and Zoning Administrator, Brandon Bell)**

**ii. Public Hearing**

The proposal aimed to rezone an RA-20 (Residential Agricultural) zone to an R-1 (Single-Family Residential) zone at 3885 North and Highway 89. The purpose of this rezoning was to repurpose a property, once a charter school, into a child daycare facility. The key distinction between the two zones was that child daycares were allowed in the R-1 zone but not in the RA-20 zone.

The property in question was around five-plus acres and was intended for transformation into a daycare facility. Discussions revolved around the consistency of this rezoning with the general plan and future land use map. Initially zoned for low-density residential use, there were concerns about the potential proliferation of single-family homes if a daycare facility were allowed.

The commission raised inquiries about the potential impact on the surrounding community, existing zoning in other parts of the city, and alternative zoning options such as CP1, CP2, or CP3 (Commercial Professional). There was also discussion about possibly rezoning other nearby parcels back to their original intended zoning to maintain the original vision for the area.

A public hearing was scheduled to gather input and feedback from the community regarding this zoning map amendment and its potential implications. There was a suggestion to explore a general plan amendment alongside the zoning change for comprehensive consideration.

#### **CITIZEN COMMENTS**

A public hearing was initiated to gather public input regarding the zoning map amendment. The motion to open the public hearing was proposed and seconded, subsequently approved. The attendees were invited to express their views on the zoning map amendment.

No comments were made.

A motion was made to close the public hearing, and it was seconded and approved.

## **DISCUSSION**

The discussion then shifted to a potential rezone for another property. However, it was recognized that this needed to be a separate discussion and should not impact the decision-making for the current zoning map change under consideration. The focus remained on the recommendation or denial for the zoning map change pertaining to the specified three parcels.

## **MOTION**

A motion was put forth to recommend the approval of the zoning map amendment from RA-20 to R-1, in alignment with staff recommendations. The motion was seconded, and upon a vote, it was approved.

The Commission stressed the importance of progressing to the subsequent steps in the process.

### **Zoning Map Amendment (Rezone) – MCM zone to CP-3 zone at 1584 West 2700 North**

#### **i. Consider a recommendation to City Council to rezone property from the MCM**

**zone to the CP-3 zone, at 1584 West 2700 North, Parcel # 193900001(Planning and Zoning Administrator, Brandon Bell)**

#### **ii. Public Hearing**

In the meeting, the planning commission discussed the requested to amendment the zoning map concerning a property located at 1584 West 2700 North. The parcel was currently zoned as a Manufacturing Commercial Mix (MCM) zone, and the applicant sought to change it to a CP-3 (Commercial) zone. The purpose of the rezone was to enable the establishment of a vape shop (tobacco shop), which was a permitted use in the CP-3 zone but not in the current MCM zone.

The Planning Commission discussed the historical zoning of neighboring properties and the distinction between the mixed use designation on the future land use map and the MCM zone. Questions were raised about the appropriateness of the proposed rezone and its alignment with the city's general plan and future land use map. Additionally, concerns were expressed about potential parking issues arising from the change in permitted uses.

The applicant, David Chug, provided additional context and history related to the zoning of the property, highlighting the transition of the area from a gas station to potential development. The discussion encompassed the consideration of conditional use permits and the evolving plans for the site.

## **CITIZEN COMMENTS**

A motion was made and seconded to open the public hearing, which was then approved. The public hearing was officially opened, and the opportunity was provided for questions or comments from the public regarding the proposed zoning change.

David Chug, the applicant, expressed his thoughts on the matter, emphasizing the potential for retail opportunities and revenue generation through sales tax. Concerns were also raised regarding spot zoning and the need to ensure the appropriateness of the CP-3 zoning for the given property.

Following the public comments, a motion was made and seconded to close the public hearing, which was approved.

## **DISCUSSION**

The discussion then shifted to the concerns related to potential parking issues resulting from the change in zoning. The Commissioners considered the implications of the zoning change on parking and traffic flow in the area. The applicant clarified certain aspects related to the property and its potential uses.

## **MOTION**

A motion was made to recommend approval of the rezone from MCM to CP-3, taking into account the opportunities for retail and the alignment with future land use plans. The motion was seconded and approved.

### **Zoning Text Amendment – Subdivision Requirements for Municipal Utility Facilities**

#### **i. Amending & Eliminating Subdivision & Site Development Requirements for Municipal Utility Facilities, and adding this as a Permitted Use in all zones (Planning & Zoning Administrator, Brandon Bell)**

The zoning text amendment discussed is related to subdivision requirements for municipal utility facilities. The amendment involves amending and eliminating subdivision and site development requirements for municipal utility facilities and adding this as a permitted use in all zones. The impetus for this amendment is the need for an additional water tank in the city. The current code requires proper subdivision of a parcel for development, but this amendment proposes a streamlined process for a specific subset of subdivisions, such as those for municipal utility facilities like water tanks.

The proposed changes include exemptions from certain requirements such as lot size, frontage on public or private right of way, public improvement requirements, lot width, landscaping requirements, and site development standards for municipal utility facility lots. These lots will also be exempt from secondary water requirements and will need to address stormwater detention and retention issues.

The amendment designates these lots as "restricted lots" or "R lots" to indicate their purpose for municipal utility facility use only. Building permits related to these facilities would be the only permits issued for these lots. The proposed setback requirements are 30 feet from a public right of way and 15 feet from all other property lines, with a height limit of 35 feet.

The approval process for these lots would follow the standard minor subdivision approval process but with exceptions to certain lot size and other requirements. A public hearing at the Planning Commission would be required, and adjacent property owners could be notified, potentially up to a 300-foot radius, to ensure awareness of the proposed municipal utility facility.

## **MOTION**

The motion was made to recommend approval to the City Council with certain modifications, including rephrasing a sentence in the amendment for clarity, suggesting third-party review for legal compliance, and recommending notification to adjacent landowners within a 300-foot radius.

The motion was seconded, and the discussion confirmed that the proposed changes were captured accurately. A vote was taken, resulting in unanimous approval of the motion. The amendment will now be recommended to the City Council for further action.

**Remarks from Commissioners and/or Staff**

The Commissioner initiated discussions on potential adjustments to the future land use map and zoning for the west side of Highway 89. The objective was to align the area with its surroundings, mitigating potential issues in the future. They also highlighted the need to address inquiries from a petitioner named Chuck regarding an MCM (Mixed-Use Zone), suggesting that these concerns be adequately prepared for presentation to the City Council. Additionally, there was a proposal to reconsider the future land use map, with a focus on potential modifications to the MCM to better accommodate diverse uses and standards. Conversations emphasized the necessity of interconnectivity on the west side of Highway 89, especially in anticipation of a significant manufacturing facility. Negotiations with Union Pacific for a secure crossing were discussed, acknowledging the need to navigate the challenges posed by the removal of other crossings.

Staff also shared plans for a comprehensive two-hour training session on land use law, to be led by a land use attorney, aimed at both the Planning Commission and City Council. The attendees also explored the possibility of participating in an upcoming parade, with six Planning Commission members expressing interest in walking in the procession. The idea of having a golf cart with a banner for the parade, along with the distribution of candy provided by the City, was raised.

**ADJOURNMENT**

The meeting concluded with a motion to adjourn, which was unanimously approved.