

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

September 15, 2022

[\(3\) Planning Commission Meeting - September 15, 2022 - YouTube](#)

MEMBERS PRESENT

Andy Nef
Dean Stokes
Jeff Bolingbroke
Chad Kotter
David Park

EXCUSED

Julie Farr
Manya Stowlrow
Sean Wilkinson

STAFF PRESENT

Sara Urry, City Council
Tyson Jackson, Public Works Director
Jill Hunt, Planner

VISITORS

Mitch Morris
Brian

MINUTES PREPARED BY

Brooke Smith, MMC

MINUTES APPROVED:

August 3, 2023

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

OPENING PRAYER

PLEDGE OF ALLEGIANCE

DECLARATION OF CONFLICT OF INTEREST

The meeting starts with a welcome to everyone present. Commissioner Jeff Bolingbroke led a pledge of allegiance and delivered an opening prayer. The prayer emphasizes the importance of responsible decision-making regarding the city's growth and the matters being discussed in the meeting.

The agenda for the meeting was mentioned, and attendees were asked if they have any conflicts of interest to declare, to which there are none.

SITE PLAN FOR TEMPORARY PUMPKIN STANDS

Consideration of a Site Plan for a temporary Pumpkin Stand at 2700 North 1142 West.

The Planning Commission meeting commenced with the discussion of the first agenda item, which was the consideration of a site plan for a temporary pumpkin stand. The Chair turned the floor over to the staff for a briefing on the application. It was explained that even though the pumpkin stand was permitted use, it still required Planning Commission approval for the site plan. The applicant expressed their intention to set up a safe, organized, and visually appealing stand away from the street and parking areas. They mentioned their experience in pumpkin farming and distribution.

Following the applicant's presentation, the commission members addressed some questions to the staff regarding the setback and the use of straw bales as a barrier. The staff confirmed that discussions had taken place with the applicant and expressed concerns about the straw bales being climbable by children. The applicant assured that precautions would be taken to prevent climbing and offered to use larger straw bales or relocate the stand's entrance to address safety concerns. Other commission members also raised questions about parking and potential debris from weather events, which the applicant addressed satisfactorily. The issue of shared parking and the prevention of unauthorized

parking on neighboring properties was discussed, and the applicant proposed methods to handle such situations respectfully.

The meeting continued with discussions about the pumpkin stand's operation, including its opening and closing dates, security, and the expectation of high traffic due to the stand's location.

MOTION

After all the questions were addressed, a motion was made to approve the site plan for the temporary pumpkin stand at the specified address, with the staff's recommendation. The motion was seconded and put to a vote, resulting in unanimous approval by the Planning Commission members.

CONDITIONAL USE PERMIT FOR CARWASH DEVELOPMENT

Consideration of a Conditional Use Permit to allow for a carwash within the CP-2 Zone at 500 West 2700 North.

SITE PLAN FOR CARWASH DEVELOPMENT

Consideration of a Site Plan for a carwash at 500 West 2700 North.

Item number two on the agenda involved the consideration of a conditional use permit for a carwash development at 500 West 2700 North. The proposal was for "Shiny Shell Carwash" and included both the conditional use permit and the site plan review for discussion and decision.

The staff was called upon to present the details of the project. City staff explained that the proposed carwash fell within the allowable conditional use standards for the CP-2 zone.

CONDITIONS DISCUSSION FOR CONDITIONAL USE PERMIT

They emphasized that conditions could be set based on parking and storage requirements. Any issues related to these aspects of the development could be addressed by imposing conditions. Additionally, there had been discussions about water usage due to drought conditions, but since water usage was not a condition for this project, it would have to be addressed through other means such as water rate structures.

A question was raised regarding the staff's recommendation for approval of the conditional use permit, which was contingent on the installation of a specific water meter. The staff clarified that the recommendation had been revised after further research, and instead of making it a conditional use, it would be recommended that the engineer provide the appropriate impact assessment for the water main on the site. This recommendation would be incorporated into the building and site plans.

The Chair reminded everyone that this part of the discussion focused on the conditional use and site plan, not the specific water-related details. Any further questions or actions related to the conditional use permit and site plan were then discussed. The purpose of the conditional use permit was reiterated to ensure a clear understanding.

The chair discussed the need to separate the actions of conditional use and site plan approval. They explain that while they are meant to be done simultaneously, the ordinance allows them to be separate actions. The conditional use permit has limited conditions that can be set, while the site plan allows for more recommendations. They emphasize the importance of addressing questions about the site plan before approving the conditional use permit.

Item number three on the agenda discussed the proposed site plan development, with considerations for regulations, landscaping, parking, and amenities. They discuss the need for water-wise landscaping and the use of recycled water in the car wash. The speaker mentions another car wash in a different location that uses a different water source. They assure the meeting attendees that compliance with regulations will be ensured.

There is a discussion about the connection to other parts of the subdivision and the requirement for cross-access easements. The speaker explains that negotiations are underway with the property owners to establish the necessary agreements for access. The issue of obligating the connection to 600 West is also raised, and it is clarified that the agreement is required for future development and not for the current access.

The petitioner addresses concerns about water usage and explains their water recycling and conservation measures. They mention using a reclamation system that recycles up to 70% of the water used and incorporating water-wise landscaping. They also mention rainwater harvesting from the roof and the use of clean water for final rinses. The petitioner acknowledges that these measures are not currently required by regulations but they choose to implement them to be good citizens.

Overall, the discussion revolves around the conditional use permit, site plan approval, water usage, and the need for cross-access agreements for future development.

MOTION – CONDITIONAL USE

A motion was made to either approve or table a conditional use permit for a carpet carwash development. The motion to approve the conditional use permit was made by Commissioner Bolingbrook and seconded by Commissioner Cummings. There was a discussion on the item, and the approval was passed with all in favor.

DISCUSSION – SITE PLAN

The meeting then moved on to the second item, which was the site plan for the carwash development.

CONDITIONS

There were conditions mentioned, including the recordation of the PRUD plat, as well as obtaining permits from UDOT.

MOTION – SITE PLAN

Commissioner Bolingbrook made a motion to recommend the site plan with the conditions of the UDOT permit and the recordation of the overall site plan. The motion was seconded by Commissioner Park, and after a discussion, the motion was passed unanimously.

SUMMARY

The conditional use permit for the carpet carwash development was approved, and the site plan was recommended with certain conditions.

ADJOURNMENT

During the meeting, the speaker expresses gratitude to everyone for being flexible with the schedule changes. They remind everyone to mark the third Thursday on their calendars for the next meeting.

Julie Farah brings up a question about the Board of Adjustments and Appeals, specifically regarding variances. She requests more information on the board's role, the members involved, and how they function.

The speaker explains that the Board of Adjustments is established at the city level through city council appointments, similar to the Planning Commission. The board acts as an appeal authority, separate from the Planning Commission and City Council, with the power to consider variances outlined in the city code.

The speaker mentions a recent action taken by the board regarding the development of a lot without proper rights. They clarify that the board's authority extends to reviewing cases where they disagree with the Planning Commission's decision and can escalate the matter to a district court level if necessary. They provide the names of the current board members and highlight the importance of monitoring appointment dates and communication with the ombudsman's office.

The speaker explains that individuals seeking variances need to meet specific criteria outlined in state law. They emphasize that the burden of proof lies with the applicant, who must gather data and information to address all five criteria. Financial hardship and self-imposed conditions cannot be considered valid reasons for a variance. The speaker offers to share detailed information on the criteria with the attendees.

A discussion arises regarding the validity of appeals when board members' qualifications are in question. The speaker clarifies that having board members with expired terms does not invalidate an appeal. They acknowledge the need for better monitoring and appointment processes to prevent such issues. The speaker also mentions that board members should be well-trained and consult with attorneys to ensure accurate decisions.

The conversation continues, addressing the rarity of appeals going to the board of adjustments and the significance of having an independent body to maintain a balance of power within the city government. They explain that the board's decision is final, but if someone disagrees, they can appeal to the district court. The speaker emphasizes the importance of recording minutes and audio to present as evidence during a court appeal.

The discussion shifts to the role of the City Council in the appeals process. The speaker mentions that the City Council has the power to remove board members, although it is rarely exercised. They explain the checks and balances in place and highlight the code provisions for removing board members with the consent of the mayor.

After the thorough discussion, the speaker thanked Sarah for sharing the detailed notes and offered to provide further clarification or assistance if needed. They express the importance of proactive attention to these matters and ensure that mistakes in appointments and terms will be rectified promptly.

Near the end of the meeting, there was a lot of discussion about water issues. The cost of water was clarified to be included in impact fees, and it was explained that rates and impact fees are different. Existing residents' rates would not increase due to impact fees. Infrastructure for utilizing the purchased water was discussed, including tanks and transmission lines. The speaker mentioned the ongoing design of a water transmission line and reservoir for the hill area. The conversation concluded with the speaker noting that the future land use map is reflected in the Water Master Plan, which includes the zone one tank and potential pumping of water uphill for future development.

The meeting ended with a note about the next event scheduled for September 26 and hopes to invite councilmember Phil Nelson, who specializes in educating people about second amendment rights and gun safety. The speaker relates this topic to recent discussions on safety and security within the city, particularly in relation to school shootings and attempted kidnappings.