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2
3 PLEASANT GROVE CITY
4 PLANNING COMMISSION MEETING MINUTES
5 December 6, 2018
6

7 **PRESENT:** Chair Lisa Coombs, Vice Chair Sam Sanderson, Commissioners Peter Steele, Tamara
8 Oborn, Dustin Phillips, Bobbi Jo Blake, and Jeffery Butler
9

10 **STAFF:** Community Development Director Daniel Cardenas, City Planner Julie Henry, Staff
11 Engineer Shaun Hilton, Planning Assistant Kelly Evans
12

13 Chair Coombs opened the meeting at 7:00 p.m.
14

15 **Commission Business:**
16

17 **1. Pledge of Allegiance:** Commissioner Blake led the Pledge of Allegiance.
18

19 **2. Opening Remarks:** Commissioner Phillips gave the opening remarks.
20

21 **3. Agenda Approval:**
22

- 23 • **MOTION:** Commissioner Sanderson moved to APPROVE the agenda as part of
24 public record. Commissioner Blake seconded the motion. The Commissioners
25 unanimously voted “Aye”. The motion carried.
26

27 **4. Staff Reports:**
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- 29 • **MOTION:** Commissioner Oborn moved to APPROVE the staff reports as part of
30 the public record. Commissioner Steele seconded the motion. The Commissioners
31 unanimously voted “Aye”. The motion carried.
32

33 **5. Declaration of Conflicts and Abstentions from Commission Members:** There were
34 none.
35

36 **ITEM 1 – Public Hearing to Consider the Request of Paul Washburn to Amend City Code Section**
37 **10-12B: Manufacturing Distribution (MD) Zone.** The Amendment Proposes to Alter the

1 Requirements for Setbacks and Creates a Section with Specific Landscaping Requirements in the
2 Manufacturing Distribution (MD) Zone. **SAM WHITE’S LANE NEIGHBORHOOD**

3
4 Community Development Director, Daniel Cardenas, thanked those present for their attendance and
5 gave a brief history of the application. After considering the request for reduced setbacks, staff
6 determined to recommend the elimination of setback requirements in the MD Zone. The proposed
7 language would require landscaping and parking in the front and allow for zero side and rear yard
8 setbacks. He noted that the MD Zone contains a variety of lot shapes and sizes, but he felt that this
9 regulation would work for all of them. The regulation would also allow businesses to keep storage
10 of equipment and product inside of a large building rather than in the setback areas. Director
11 Cardenas read the proposed language for the setback and landscaping requirements.

12
13 Commissioner Steele asked why a side yard setback is still required along an access. Director
14 Cardenas wasn’t sure why it was specified in the Code in the first place, so he left the language in.

15
16 Commissioner Blake stated that the intention of the original proposal was to help narrow lots
17 develop, but now it was being opened up to the entire zone. She wondered if the rest of the
18 Commission was comfortable with that. She asked if there were any large lots in the zone that
19 would warrant having some setbacks. Director Cardenas stated that the ordinance did not require
20 developers have a zero setback. They could chose to keep an area for more parking or landscaping.

21
22 Chair Coombs asked if there was still concern about creating small alleyways by eliminating
23 setbacks. Director Cardenas responded that staff would work with each applicant to try to prevent
24 that from happening.

25
26 Chair Coombs opened the public hearing. There were no public comments. Chair Coombs closed
27 the public hearing.

28
29 **MOTION:** Commissioner Steele moved that the Planning Commission forward a recommendation
30 of APPROVAL for the request of Paul Washburn for the proposed amendments to City Code
31 Section 10-12B Manufacturing Distribution (MD) Zone; and adopt the exhibits, conditions, and
32 findings contained in the staff report, and as modified by the condition below:

- 33
34 1. The Planning Commission suggests that on the side yard used for access, the landscaped
35 area between the access and the property line be eliminated.

36
37 Commissioner Blake seconded the motion. The Commissioners unanimously voted “Aye”. The
38 motion carried.

39
40 **ITEM 2 – Public Hearing to Consider the Request of Matthew Eau Claire to Add Three New Uses**
41 **(#2182, 2183, and 2184) to the Manufacturing Distribution (MD) Zone to Allow Manufacturing and**
42 **Retail Sales of a Variety of Liquor Products. The Proposed Amendment Also Includes a Provision**
43 **to Allow Tasting Rooms. SAM WHITE’S LANE NEIGHBORHOOD**

1
2 Director Cardenas stated that Utah’s laws regarding liquor are peculiar, including the regulation that
3 all alcohol in the State of Utah is managed and sold by the State. Private business enter into a
4 contract with the State to sell alcohol at their establishments. Director Cardenas reported on research
5 staff had done for this application. Staff recommended approving the proposed use, but not the
6 storefront or the tasting room. Director Cardenas explained that the distillery could obtain a Type
7 5 License, which would allow them to sell alcohol produced at the distillery. They did not need a
8 store front in order to sell alcohol. With regard to tasting rooms, staff discovered that the City could
9 not reduce the amount of alcohol that the distillery can sell, but the business owner could choose to
10 reduce it if they choose. There are buffering requirements with the Type 5 License, including the
11 requirement that a distillery be at least 600 feet from public schools. In this case, the dance school
12 uses were considered private rather than public.

13
14 The applicant, Matthew Eau Claire, commented that the City should consider the fact that the uses
15 were not permanent. It was possible for businesses to change. Mr. Eau Claire stated that the
16 entrance to the building would not be visible to the rest of the complex, and it wouldn’t be advertised
17 with a large sign. They anticipated activity around the distillery to be minimal. Minors would not
18 be allowed in the distillery unless accompanied by an adult. He commented that Utah is a very
19 conservative state, and the state has spent a lot of time, energy, and money trying to establish alcohol
20 laws. The State was comfortable with tasting rooms and retail sales. Mr. Eau Claire noted that they
21 would not rely on Utah for sales, but it certainly helps them as a small business to be able to sell
22 locally. Being able to sell to restaurants and bars was critical. With respect to tasting rooms, he
23 stated that sales from tastings comprise 25% of their overall sales. He did not foresee children
24 becoming involved with alcohol because of the presence of a distillery near the dance schools. Mr.
25 Eau Claire wanted to bring the business to Pleasant Grove, but he would not proceed if the use is
26 not welcomed.

27
28 Commissioner Blake asked if the original application was for a conditional use permit. Mr. Eau
29 Claire stated that he first applied to allow distilleries as a conditional use in the MD Zone. In
30 response to a question raised by Commissioner Blake, Director Cardenas confirmed that they would
31 be able to sell to restaurants without a storefront.

32
33 Commissioner Blake asked if the distillery could give tours without a tasting room. Mr. Eau Claire
34 said that he could, but that doing so would hinder sales. Commissioner Phillips stated that the real
35 issue for the applicant is that people aren’t likely to purchase the product if they cannot sample it.

36
37 Commissioner Butler asked Mr. Eau Claire if he was comfortable with the current proposal from
38 staff. He indicated that he was not.

39
40 Chair Coombs said that she and Commissioner Phillips took a tour of the Dented Brick Distillery in
41 South Salt Lake City and found no problems with it. The only suggestion she would make is that
42 they require the tasting room be in a separate room from the equipment. Chair Coombs believed
43 that the applicant would run the business well, and his livelihood was at stake if anything goes

1 wrong. He would not let just anyone in to drink as much as they wanted. She also found the people
2 who take a tour of a distillery aren't coming to get drunk. The customers are looking for a product
3 to buy, and are high-end drinkers. A tasting room is not a bar. She also noted that people will be
4 paying for the tour and sampling.

5
6 Commissioner Butler asked Mr. Eau Claire if it would be reasonable to require a separate tasting
7 room, and he answered in the affirmative. He then asked if the applicant would be taking any
8 prohibitive measures in place at the distillery. Mr. Eau Claire stated that walk-in traffic is essentially
9 non-existent. Typically, people schedule a tour in advance and they would not offer tours all the
10 time. They would also not post signs advertising the tours.

11
12 Chair Coombs asked if the City would require that tours take place before 5:00 p.m. Director
13 Cardenas stated that the Planning Commission could suggest any qualifying provisions. He did not
14 want to make it a conditional use since the City was steering away from that. The use would be
15 permitted with qualifying provisions.

16
17 Commissioner Oborn expressed appreciation for staff research. She felt that the State had done a
18 thorough job of mitigating many factors the City was not considering, so she was comfortable
19 following the State standards in this case.

20
21 Commissioner Phillips asked why staff was not recommending approval of the tasting room. The
22 State regulation was that only 2.5 ounces are allowed during a tasting. Director Cardenas stated that
23 there was concern about people getting buzzed during a tasting. There were a lot of factors that
24 went into how alcohol affects a person, including body type, tolerance level, whether they had
25 anything to eat recently, etc. There was no way to guarantee that people will be responsible.

26
27 Commissioner Phillips stated that the person at the Dented Brick Distillery said that he was sensitive
28 to individuals that were showing signs that they were being more affected by the alcohol. He was
29 always aware and made sure that no one had too much during the tasting. Mr. Eau Claire added that
30 part of State Law was that the distillery have food on hand. They also planned to purchase a
31 breathalyzer at the distillery.

32
33 Director Cardenas noted that the person at the Dented Brick and Mr. Eau Claire could regulate
34 alcohol consumption themselves and the City cannot mandate that.

35
36 Commissioner Blake liked the mitigation ideas being discussed, but stated that many of them were
37 the responsibility of the owner. As a government body, they need to consider the worst-case
38 scenarios. She was concerned that there was a chance that someone could walk out of the distillery
39 buzzed from the tasting because the City allowed the use in this zone. She didn't want the City to
40 open itself up to that risk.

41
42 Commissioner Coombs commented that the Dented Brick Distillery is essentially in a residential
43 area, but they had not received any complaints.

1
2 Commissioner Phillips stated that the reality is that the City could never completely ensure that
3 people are going to be responsible. People could leave their own homes inebriated, because the
4 government cannot limit how much alcohol they consume at home. In this case, they have an
5 applicant who is spending his own time and money to get this use approved, and he was going to do
6 it right. If something bad should happen, he would be out of business very quickly. He understands
7 his responsibility. Commissioner Butler agreed.

8
9 Commissioner Oborn reiterated that she was comfortable with the State Law. The City should
10 support this business venture, and part of the business model includes a tasting room.

11
12 **MOTION:** Commissioner Oborn moved that the Planning Commission forward to the City Council
13 a recommendation of APPROVAL of the request of Matthew Eau Claire for the proposed
14 amendments to City Code Section 10-12B-2:C; and adopt the exhibits, conditions, and findings
15 contained in the staff report, and as modified by the condition below:

- 16
17 1. The City allow for a tasting room, but not a storefront.

18
19 Commissioner Steele seconded the motion. Vote on motion: Commissioners Sanderson, Steele,
20 Oborn, Phillips, Butler, and Chair Coombs voted “Aye”; Commissioner Blake voted “Nay”. The
21 motion carried 6-to-1.

22
23 **ITEM 3 – Review and Approval of the Minutes from the November 8, 2018 Planning Commission**
24 **Meeting.**

25
26 **MOTION:** Commissioner Steele moved to APPROVE the minutes from the November 8, 2018
27 Planning Commission meeting. Commissioner Blake seconded the motion. The Commissioners
28 unanimously voted “Aye”. The motion carried.

29
30 **MOTION:** Commissioner Steele moved to adjourn. Commissioner Oborn seconded the motion.
31 The Commissioners unanimously voted “Aye”. The motion carried.

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33 The meeting adjourned at 8:31 p.m.

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35 _____
36 Planning Commission Chair

37
38 _____
39 Barbara Johnson, Planning Tech

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41 _____
42 Date Approved