

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

**August 3, 2023**

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**MEMBERS PRESENT**

Andy Nef  
Julie Farr  
David Park  
Sean Wilkinson  
Manya Stolrow  
David Gossner

**VISITORS**

Wilf Sommerkorn  
Dave Laloli  
Jim Flint

**MINUTES PREPARED BY:**

Brooke Smith, MMC  
August 6, 2023

**APPROVED ON:**

Pending

**EXCUSED**

Chad Kotter  
Jeff Bolingbroke  
Dean Stokes

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

**OPENING PRAYER**

**PLEDGE OF ALLEGIANCE**

**DECLARATION OF CONFLICT OF INTREST**

Commissioner David Gossner lead the attendees in reciting the Pledge of Allegiance, followed by an opening prayer.

During the prayer, Commissioner Gossner expressed gratitude for the gathering of representatives. He highlighted the caring attitude of both citizens and visitors towards the locality, emphasizing a collective desire for positive outcomes. The Commissioner extended thanks to city employees and managers, recognizing their often-unnoticed efforts that contribute to the smooth functioning of the city.

**MEETING MINUTES APPROVAL**

**Consideration for approval of the April 21, 2022, August 4, 2022, September 15, 2022, December 1, 2022, January 5, 2023, and March 2, 2023 meeting minutes.**

The Commissioners considered for approval the minutes for the following dates:

- April 21, 2022
- August 4, 2022
- September 15, 2022
- December 1, 2022
- January 5, 2023
- March 2, 2023

**DISCUSSION**

A few commissioners noted that the attendance roster should be updated as follows:

- For April 21, 2022 minutes, note David Gossner was not on the Commission at this time and requested his name be removed from the roll.
- For August 4, 2022 minutes, note David Park was excused and David Gossner was not on the Commission at this time and requested his name be removed from the roll.
- For September 15, 2022 minutes, add David Park as present and David Gossner was not on the Commission at this time and requested his name be removed from the roll.
- For December 1, 2022 minutes, note David was excused and David Gossner was not on the Commission at this time and requested his name be removed from the roll.
- For the January 5, 2023 minutes note David Gossner was not on the Commission at this time and requested his name be removed from the roll.
- For March 2, 2023 minutes, add David Park as present and Sean Wilkinson was excused halfway through the meeting.

Other than these attendance updates, there were no other changes or recommendations requested for the minutes as presented.

### **MOTION**

A motion was made by Commissioner Park and seconded by Commissioner Stolrow to recommend approval of the minutes with the above-requested changes to be made. The motion passed, with Commissioner Farr abstaining from the vote.

### **DISCUSSION**

Brandon Bell noted plans for catching up on the backlog of minutes needing approval. For the upcoming September meeting, he aims to distribute the next set of outstanding minutes 1-2 weeks before the full meeting packet distribution. This will allow extra time for the Commission to review before final approval is requested. The batch approved today represents about half of the outstanding minutes.

### **ADMINISTRATIVE ITEM:**

#### **Peak View Lot 2 – Site Plan Approval & Amendment of Peak View Lots 3 & 4 Landscaping Plan – at approximately 400 W and 2700 North**

City Planner, Brandon Bell, presented the administrative item for Peak View Lot 2 site plan approval and amendment of the landscaping plan for Peak View Lots 3 & 4. Lot 2 is located in the SC-2 zone at approximately 2700 North and the applicant is proposing a building and site plan for the property. The proposed uses are a Burley Burger, Son Son Asian Grill, and Menchies, which staff categorizes as a sit-down restaurant and neighborhood services use. The Son Son Asian Grill location was moved from an earlier approved building into this proposed building.

The setback standards are 20 feet front, side, and rear, and the proposed building meets these, with the front setback over 45 feet, the side over 34 feet, and the rear over 86 feet. There was a mistake made with the building permit so staff recommends a condition allowing minor adjustment to the building location within setbacks. The height is within the requirements of under 65 feet. The trash enclosures are not within setbacks and will have masonry walls. Staff recommends the masonry color match the main building color for compatibility.

For landscaping, 15% of the gross area is required. The overall development meets this even though Lot 2 is slightly under because the original approval applied 15% to the full master development. If lots are sold off in the future, they would need to meet compliance individually. The site has secondary water and meets the 1 tree per 300 square feet requirement. An amendment is proposed to Lots 3 & 4 landscaping to move some trees farther from a water main line. Staff recommends specifying the landscape plans for Lots 3 & 4 and showing distance lines from the drive-throughs to trees no more than 9 feet.

For parking in the proposed development with three uses: Burley Burger occupying 3,000 square feet classified as a sit-down restaurant requiring 35 parking stalls; Son Son Asian Grill occupying 1,300 square feet also a sit-down restaurant requiring 20 stalls; and Menchies occupying 1,500 square feet classified as Neighborhood Services requiring 6 spaces. Based on these requirements, there is an initial deficit of 36 parking stalls. However, in previous approvals for Lots 3 and 4, 44 stalls were required as part of a shared parking agreement. After further review, Brandon found that 9 additional stalls were required by code, reducing the deficit to 27 stalls. He noted that since these are not a long wait, full-service restaurants, there could be a consideration to reduce the parking requirements. To resolve the deficit, the shared parking agreement could be amended to require 71 total stalls, unless the applicant and Planning Commission agree to a lower number based on the nature of the proposed uses.

The parking lot lighting requirements are shown on the civil plans. There was some question about the symbol used, but this requirement has been met.

A 2.5-foot berm is required and shown along 2700 North. The engineer confirmed they will be adding an extra 6 inches to meet the full requirement of a 2.5-foot berm.

Brandon emphasized that any approval is conditional and does not constitute blanket approval. Necessary signatures, permits, and certificates of occupancy will not be issued until all conditions of approval are met. This will assist the applicant in moving forward to complete building permits.

#### **STAFF REQUEST FOR ADDITIONAL CONDITION (#13)**

There are 12 recommended conditions of approval listed in the staff report. It was noted that a building permit was mistakenly issued earlier in the process when only the initial footings and foundation were in place. Given the early stage of construction, the staff recommended adding a 13th condition allowing for minor adjustments to the building location within the setback requirements of city code as part of the approval.

Brandon concluded his presentation and asked if there were any questions from the commission.

#### **DISCUSSION**

A commissioner expressed concerns during the meeting about the number and proximity of entrances and exits shown on the Peak View Lot 2 site plan. The commissioner noted that several access points seemed in close proximity to each other, which could lead to vehicles crossing paths and potential conflicts, especially with people turning left or right into the entrances. The commissioner acknowledged that the Planning Commission has been particularly stringent over the years about requiring proper distance between entrances and exits as well as combining access points where feasible. However, on this specific site plan, there appeared to be a greater number of entrances and

exits in close proximity compared to what the Commission has required of other developments in the past. The commissioner sought clarification during the discussion on which entrance and exit points for the site may have already been approved by UDOT due to the property's adjacent frontage on 2700 North Street. The city planner noted he had not been involved with any prior approvals for the subdivision and assumed UDOT requirements had already been addressed appropriately. A representative for the applicant offered that they would be happy to speak to the item and provide clarification on the access points shown on the site plan and any related UDOT approvals.

## **APPLICANT**

The individual representing ALS Development, identified as Dave M. offered insights related to earlier discussions. Notably, attention was drawn to the landscaping concerns, where it was clarified that an Owners Association governs every lot, encompassing decisions about landscaping and shared parking agreements. This arrangement ensures that any modifications would require collective approval. Regarding parking on 2550, it was mentioned that the city's allowance plays a role, and concerns were raised about potential hazards due to the road's narrowness. Reference was made to another location, Hillsboro, where private roads transitioned to city roads, indicating potential future changes in this regard. The petitioner highlighted their commitment to providing adequate parking, emphasizing that provisions have been made for various businesses' parking needs. The discussion further touched upon the fluctuating demand for parking based on different businesses' operating hours. Cross-access agreements were also discussed, outlining plans to connect both sides of the property and future considerations for road extensions.

## **DISCUSSION**

The Commission held extensive discussions regarding parking requirements for the proposed uses on Lot 2. While comfortable with the shared parking arrangement utilizing extra spaces at the adjacent LA Fitness Center, the Commission wanted to ensure the shared parking agreement was updated to reflect current needs. Clarification was provided that the existing agreement required 44 shared spaces, while the proposed uses generated a need for 71 spaces based on code requirements.

The applicant indicated a willingness to update the shared parking agreement as needed. The conversation centered on balancing parking requirements if uses change in the future. It was suggested code could be reviewed to potentially adjust parking standards for fast casual uses. The Commission aimed to approve parking based on worst-case full restaurant uses as a conservative approach.

The applicant requested flexibility in the parking requirements, while the Commission preferred adhering to code standards. It was noted all future tenants would require planning and licensing review to evaluate parking impacts. The discussion emphasized the value of shared parking agreements.

## **MOTION AND RECOMMENDATIONS**

Commissioner Barlow made a motion to approve the Peak View Lot 2 site plan as presented, with consideration for the 12 recommendations outlined in the staff report. He specified that the shared parking agreement should be updated to 71 spaces based on the staff's recommendation. He also included approval for any necessary updates to the landscaping plans for Lots 3 and 4. The motion was seconded.

## DISCUSSION

A commissioner sought clarification on including the 13th recommendation from staff regarding allowing minor adjustments to the building location within city setback requirements, as some initial footings and foundations are already in place. Commissioner Barlow confirmed he intended his motion to include approval for the minor setback adjustments as outlined in the 13th staff recommendation.

During discussion on the motion, staff confirmed the code requires 71 shared parking spaces, but allows flexibility for the Commission to adjust that number down based on the proposed uses. One Commissioner expressed support for staying at the full 71 spaces considering the lack of street parking available, while another Commissioner felt a reduction to 60 spaces could be justified based on staff comments that the uses may require less parking than a typical sit-down restaurant.

One commissioner noted any modifications should follow an official process, rather than reducing arbitrarily without a formal request from the applicant. He felt the full 71 spaces should be maintained as required by the code to accommodate potential future uses.

## MOTION RECAP

A motion was made to approve the site plan application for Peak View Lot 2, along with amendments to the landscaping plans for Peak View Lots 3 and 4. The motion recommended adopting the 12 staff recommendations for the plans, plus an additional minor adjustment to the setbacks per the staff's 13th recommendation. Furthermore, the motion included reaching an agreement to modify and update the parking to allow for 71 stalls across the Peak View lots. A second was provided in support of the motion containing all of these details regarding the site plan approval and related landscaping and parking agreements for the Peak View development lots.

## ROLL CALL

With no further discussion, the Chair called for a roll call vote. The motion passed unanimously.

## APPLICANT

After approval, the Chair thanked the applicant's representative for attending and presenting to the Commission. He asked if he was able to provide any updates on anticipated future tenants for the remaining vacant building spaces in the development.

The representative willingly shared that Soda Mix, Marco's Pizza, Rusty Taco, Roxberry, Orangetheory Fitness, and The Bird were slated for buildings progressing from Lot 4 to Lot 2. He noted Lots 5-7 already have confirmed tenants, including Son Son Asian Grill, Menchies, and Burley Burger in Lot 2 which was just approved.

Additionally, the representative mentioned they have a few more tenants starting to fill up spaces on the west side of the development, and are working to bring a tire shop into one of the end cap spaces which they will discuss with the Commission soon.

## STAFF RECOMMENDATIONS

*Staff recommends **approval** of the site plan and building elevations for Peak View Lot 2 with the following conditions and corrections:*

- 1) *The masonry on the trash enclosure be a color that is used as a color on the exterior of the main structure, in order to architecturally relate to the building.*
- 2) *The Commission consider whether the parking agreement needs to be adjusted, to the amount of stalls determined by the Commission, as a recommended condition of approval. Staff recommends that the Commission work with the applicant to determine an appropriate amount of parking. A final amount of parking stalls should be specified, and if additional stalls are required, Staff recommends that these be incorporated into the shared parking agreement.*
- 3) *The parking agreement be adjusted, to the amount of stalls determined by the Commission, as a recommended condition of approval, with the caveat that Certificate of Occupancies should not be issued for the building as part of this site plan, prior to the total number of additional stalls determined to be needed for these buildings, listed above, being completed and approved by the City as part of the Rush Fun Center parking lot, or other areas on the larger site, that are part of a shared parking agreement.*
- 4) *If additional stalls are required by the Commission to be added to the shared parking agreement, as part of any approval for this site, Certificate of Occupancies should not be issued for the buildings on Lot 2 as part of this site plan, prior to the number of additional stalls determined to be needed for the uses in this building on Lot 2, being completed and approved by the City as part of the Rush Fun Center or other areas on the larger site, that are part of a shared parking agreement.*
- 5) *The Planning Commission provide approval for the updated Landscaping plan for Lots 3 and 4, as part of the Lot 2 site plan, as a related item.*
- 6) *The applicant provide a line on the landscape plans for Lots 2, 3 and 4 showing that the distance of the trees is no farther than 9' from the top back of curb, that is adjacent to the drive through lanes on the landscape plan, so that Staff can verify that they are planted consistent with this standard, or adjust the tree location if needed to meet this standard.*
- 7) *The applicant needs to provide an updated table with the landscaping percentage for each portion of the project, and for the entire site, to demonstrate that they are on track to meet the 15% landscaping requirement, for the site as a whole, add more landscaping to the site to meet the requirement, or adjust landscaping on future sites. (See Exhibit B).*
- 8) *Parking lot lighting needs to be added to the civil plans, in order to meet the lighting requirement.*
- 9) *Necessary signatures, building permits, or certificates of occupancy, will not be provided or issued by the City until the conditions of approval of any site plan approval granted are met. Keeping this in mind will assist in moving the applicant towards the City being able to issue building permits, etc. for the project on this site.*
- 10) *Berm height along 2700 north needs to be adjusted to 2.5' and shown as such on plans, to comply with City Code.*
- 11) *Requirements of the Fire Marshall Review Comments*
- 12) *Requirements of the Engineer's review memo*
- \*[NEW] 13) *Minor adjustments to the building location and setback allowed following city code as part of the approval.*

#### **LAND USE TRAINING**

**Wilf Sommerkorn, Deputy Executive Director, Utah Land Use Institute, Legislative Chair, APA Utah, former Planning Director, Salt Lake County.**

Brandon Bell, the City Planner, introduced the special guest speaker for the land use training, Wilf Sommerkorn. Brandon noted that Wilf has tremendous experience in the land use arena and is a respected voice of moderation and thoroughness on land use issues in Utah.

Brandon listed Wilf's various roles and experience and highlighted that Wilf maintains an influential land use blog that tracks news and developments in land use locally and nationwide. Brandon noted the blog is a helpful resource for planners to stay current on trends.

The presentation focus was noted to be on group dynamics and decision-making, providing insight into soft skills to complement the legal training provided by Craig Call in June. Brandon emphasized Wilf's expertise would help them understand managing group interactions, ensuring all voices are heard, and making quality decisions without undue pressure.

## **PRESENTATION**

Mr. Sommerkorn began his presentation by describing an experiment conducted in 1906 by Francis Galton at a country fair in England. Galton believed democracy was a sham as the average voter lacked the knowledge to make good decisions. At the fair, attendees guessed the weight of an ox and submitted entries into a contest. Galton thought most guesses would be wildly inaccurate. However, when the submissions were statistically analyzed, the average guess was 1197 pounds, remarkably close to the actual 1198 pounds.

Sommerkorn explained this illustrated the "wisdom of crowds" phenomenon where aggregating diverse individual opinions produces good group decisions. He cited other examples like estimating jelly beans in a jar and predicting Academy Award winners. Research shows this is a common occurrence when three conditions are met.

First, diversity of people and perspectives is crucial, as uniform groups limit considerations. Second, individuals must make independent conclusions rather than deferring to others. Third, individual judgments must be aggregated anonymously to avoid pressure to conform.

Mr. Sommerkorn emphasized two additional key conditions for achieving the "wisdom of crowds." First, individuals must reach conclusions independently rather than deferring to the group. At the country fairs, people made guesses privately without discussion. Second, individual judgments must be aggregated anonymously to avoid pressure to conform to others' opinions.

He noted while these principles work best for large groups, they also apply to smaller bodies like planning commissions, but group dynamics must be considered. For small groups, diversity of backgrounds and perspectives is crucial to avoid the limited viewpoints of uniform members.

Studies show groups perform better when comprised of members with varying skills rather than only star performers. Sommerkorn argued this demonstrates that filling boards solely with experts is not optimal. Diversity representing the community provides fuller input. He cited an example of a game show where asking the studio audience produced better answers than calling an expert friend.

Mr. Sommerkorn used the example of NASA's engineering group in the 1960s space race compared to the time of the space shuttle disaster. Though the 1960s group appeared homogeneous in the photo, they represented the diversity of engineering disciplines which may have contributed to their success.

In contrast, the shuttle disaster commission concluded groupthink among engineers who all went through the same aerospace programs contributed to missing safety issues. This further illustrates the importance of diversity of thinking.

Sommerkorn emphasized dissent can provide value in group decisions. It may prompt hidden shared doubts to surface or introduce new information. Studies show a single dissenter can improve outcome quality. However, persistent contrarians who won't collaborate constructively are non-productive. Respectful dissent that enhances discussion is ideal, as represented in the movie 12 Angry Men.

He emphasized that commission members have an obligation to share diverse views which may improve outcomes. On the next factor, Sommerkorn described a study where patrons guessing jellybeans as a group was further off than individual guesses, illustrating the drawbacks of group discussion.

He noted while planning commissions are expected to discuss and collaborate, drawbacks emerge including cascading opinions. For example, the first speaker unduly influences decisions before all perspectives are shared. People may agree due to assumed expertise, conformity pressure, or swayed perceptions.

Mr. Sommerkorn cautioned about being swayed by early speakers like staff presenting on administrative items. Their role is to provide objective information to inform commission decisions. However, on legislative matters involving more subjective policy issues, commissioners should think critically and not automatically accept opinions voiced.

He noted administrative public hearings also warrant caution since citizens are sharing opinions, not facts. The commission must follow code requirements regardless of public sentiment. Conversely, on legislative items public input is more relevant but still should be balanced against the silent majority and individual convictions.

Sommerkorn then covered the risks of sequential voting where later voters may be influenced by those preceding them. He mentioned one commission's tradition of sequential votes, which he advised changing to simultaneous voting to avoid pressure to conform.

Mr. Sommerkorn described a study illustrating group influence on individual perceptions. When judging if lines were equal in length, people were 95% accurate alone but only 25% in groups with actors deliberately choosing the wrong answer. MRI scans showed the group actually altered individuals' cognitive perceptions, not just social responses.

He then covered "group polarization" using the example of speeding up or slowing down with traffic flow on a freeway. People align with the group's direction. Similarly, in a decision-making group, discussions often gravitate toward the early opinions voiced rather than maintaining independence.

Sommerkorn gave the example of a jury's recommended penalty becoming more extreme than individuals' initial independent judgments. As jurors influence each other, collective judgment shifts further, like a severity cascade. He noted how this could be a concern for small groups like planning commissions as well.

Mr. Sommerkorn provided an example of the severity shift occurring in a planning commission when incremental opinion cascading leads to increasingly extreme conditions. For a landscaping requirement, initial suggestions gradually amplified from 10 trees to 20 redwoods.



He advised resisting this tendency by maintaining individual initial instincts throughout the process. To avoid group polarization, having at least one contrary voice can improve outcomes. Studies show diverse, non-polarized groups make better decisions.

Sommerkorn noted research showing reviewing initial independent thoughts later in the process can re-anchor opinions against group influences. Secret ballots also elicit more genuine preferences resistant to pressure, but open voting is legally required. Simultaneous declared voting helps approximate this benefit.

## **DISCUSSION**

After concluding his presentation, Mr. Sommerkorn received additional comments from Brandon Bell. Brandon noted the insights on group dynamics aligned with themes from a book he was reading on the Psychology of Totalitarianism.

Brandon highlighted how minority voices speaking up can moderate extreme views in society, restoring balance and preventing paranoia. Similarly, diversity of opinion on small groups like planning commissions can lead to more measured, well-rounded decisions true to the rule of law.

Brandon expressed appreciation for the training to reinforce their role in representing public interest when administering regulations. He emphasized inclusive perspective allows for upholding principles in law rather than personal will or conformity.

At the end of the presentation, Mr. Sommerkorn was thanked for his time and excused from the meeting.

## **Remarks from Commissioners and/or Staff**

The Commission Chair asked for any additional discussion items from members or staff. The Chair also inquired about upcoming docket items, and status updates on recent matters presented to City Council.

City Planner, Brandon Bell, noted Council approved the most recent planning items, with details pending on one matter. Upcoming docket items include more minutes for approval and 3-4 pending applications for future Planning Commission meetings. Brandon listed these as relatively simple - site plans, additions, and remodels.

Brandon stated he would research one application where Council may have gone against his recommendation, needing to review minutes.

Brandon welcomed any training topic suggestions from members. The Chair remarked the recent administrative law and group decision-making training were an effective pair. He noted sometimes citizens engage too late to influence administrative items, underscoring the value of early involvement to guide legislative matters.

## **ADJOURNMENT**

The Chair thanked members for their service on the Commission, expressing appreciation for the group's efforts. He entertained a motion to adjourn the meeting, which was unanimously approved.