



**Planning Commission
Work Session – 6:30 PM
March 11, 2008**

Commissioners in attendance: Michael Barker Dale DeLlamas; Joyce Nolte; Craig Huff and Von Alleman

Commissioners excused: Christine Tolman, and Mike Davis

Staff in attendance: Director Fred Aegerter; Planner I Laura Boyd; Planner I Brandon Snyder; Planning Secretary Darlene Gray

Call to Order:

Commissioner Barker called the meeting to order at 6:33 PM

Commissioner Barker asked if there were any concerns with the minutes.

Item 2b: Kevin Madson & Associates seeking site plan approval for the Merit College Preparatory Academy, a charter school located at about 700 North 1500 West in the R1-15, Single Family Residential zone.

Planner Boyd explained that the Merit College Preparatory Academy has been good to work with the City. Commissioner Huff stated that the infrastructure was there and the roads were already a nightmare. Planner Boyd indicated that there would be a lot of improvement that the developer would have to complete. Commissioner Alleman asked if there was access to the north side of Hobble Creek. Planner Boyd indicated that there were no accesses. She reported that the street improvements would include access to 1500 West 1200 North Street.

Item 2c: Howard Stewart seeking preliminary plan approval for the Canyon View Subdivision, Plat C, a minor subdivision located at 820 South 2100 East in the R1-10 and R1-15, Single Family Residential zone.

Planner Boyd reported that the zone change had been completed and now the applicant is proposing a minor subdivision.

Item 3a: Sport Electric Vehicles, Inc. dba Berline located at about 1335 West 1650 North, Suite B is seeking a Conditional Use Permit for the assembly of golf carts in the BP-Business Park zone.

Planner Boyd explained that the Conditional Use Permit application was filed because assembly is involved in producing this product.

Item 3b and 3c: Springville City seeking to amend the General Plat at about 300 and 400 South and 400 and 800 East from Commercial to Medium Density Residential.

Springville City seeking to amend the Official Zone Map at about 300 and 400 South and 400 and 800 East from PO – Professional Office to R2, Single and Two Family Residential zone.

Director Aegerter stated that this was the City's application regarding a rezone and amendment to the General Plan for areas on and around 400 South Street between 400 East and 800 East. Commissioner DeLlamas asked Director Aegerter if someone wanted to purchase one of the rezoned parcels did they have to wait until 400 South is widened to request another rezone. Director Aegerter responded in the affirmative.

With no further discussion, Commissioner DeLlamas moved to adjourn the Work Session. Commissioner Alleman seconded the motion. The vote to close the Word Session was unanimous.

Commissioner Barker adjourned the Work Session at 6:43 PM.



**Planning Commission
Regular Session – 7:00 PM
March 11, 2008**

Commissioners in attendance: Michael Barker; Craig Huff; Dale DeLlamas; Joyce Nolte; Christine Tolman and Von Alleman

Commissioners excused: Mike Davis

Council Representatives: Mark Packard

City Officials / Staff in attendance: Director Fred Aegerter; Planner I Laura Boyd; Planner I Brandon Snyder; and Planning Secretary Darlene Gray

Call to Order:

Commissioner Barker called the meeting to order at 7:00 PM and welcomed those in attendance.

Approval of Agenda:

Commissioner DeLlamas moved to approve the agenda as written. Commissioner Tolman seconded the motion. The vote to approve the agenda was unanimous.

Approval of Minutes: February 12, 2008 and February 26, 2008

Commissioner Huff moved to approve the February 12, 2008 and February 26, 2008 minutes as written. Commissioner Alleman seconded the motion. The vote to approve was unanimous.

Consideration of Consent Agenda:

Commissioner Barker explained the process regarding Consent items. He indicated that there were three items on the Consent Agenda and asked if there were representatives in attendance.

With no discussion or questions, Commissioner Alleman moved to approve the Consent Agenda. Commissioner Tolman seconded the motion. The vote to approve was unanimous.

Legislative Session:

Sport Electric Vehicles, Inc. DBA Berline located at about 1335 West 1650 North, Suite B is seeking a Conditional Use Permit for the assembly of golf carts in the BP – Business Park zone. Planner Boyd presented information as outlined in the staff report. After her review, she indicated that staff recommended approval on this item.

Rell Frances asked the location of the building. Planner Boyd explained the location of the site on the map displayed.

PUBLIC HEARING

Commissioner Alleman moved to open the Public Hearing. Commissioner Tolman seconded the motion. The vote to open the Public Hearing was unanimous.

With no representative in attendance or public comment, Commissioner Huff moved to close the Public Hearing. Commissioner DeLlamas seconded the motion. The vote to close the Public Hearing was unanimous.

CONSIDERATION

Commissioner DeLlamas asked if the existing structure had been used for a similar operation in the past. Planner Boyd indicated that Anderson Window Well Coverings had recently obtained a Conditional Use Permit at the same location.

Commissioner Tolman asked how many tenants would be in the building. Planner Boyd responded that there could be three tenants in the building.

Commissioner Huff moved to approve the Conditional Use Permit for Sport Electric Vehicles, Inc. located at 1335 West 1650 North, Suite B, finding that the use meets the general criteria for consideration of a Conditional Use Permit. Commissioner DeLlamas seconded the motion. The vote to approve was unanimous.

Springville City seeking to amend the General Plan at about 300 and 400 South Streets and 400 and 800 East Streets from Commercial to Medium Density Residential.

Director Aegerter presented information regarding the two agenda items related to land use. He explained that the General Plan Land Use Map was adopted in 1997 and most properties in this area were used residentially. He indicated that this request had been sent to the Planning Commissioners by the City Council.

Commissioner DeLlamas asked what would happen to developers who have already purchased property in the PO zoning. Director Aegerter stated that property would have to be used as currently zoned; I.E. functioning houses in the R2 zone would be allowed. Commissioner Tolman asked if the General Plan could be adjusted and then alter it if necessary later. Director Aegerter explained that it could. He added that the amendment would also tie the map to the policy of land use designations reflecting how property is being used.

Director Aegerter reported that the Woodscross Developers were proposing a parking area one lot west of their development.

PUBLIC HEARING

Commissioner DeLlamas moved to open the Public Hearing. Commissioner Tolman seconded the motion. Commissioner Tolman seconded the motion. The vote to open the Public Hearing was unanimous.

Mark Sumsion, who lives at 463 East 400 South approached the Commissioners. He stated that the City was not honest with their dealings with citizens. He referred to the Fullmer dental office stating that a small office was proposed and a bigger building was built two feet onto the floral

shop property. Commissioner Tolman asked how long ago this happened. Ms. Ifediba stated that the office was built over 20 years ago. Mr. Sumsion stated that the Woodscross Development has been built and now the developer is worried about parking. He felt this was negligence on the City's part and asked why they had been allowed to build without the necessary parking.

Mr. Sumsion stated that the City should not have agreed to not having an access to Mapleton at the Santana overpass. He stated that an access road should have been planned for development there. He questioned what would happen to parking for residents who live on 400 South. He reported that he had attended the State meeting regarding the 400 South Street widening and he gave recommendations, but was told it would be too expensive. He commented that it did not do any good to talk to anyone because their minds were already made up and added that decisions were made behind closed doors and then presented to the public.

Commissioner Barker asked Mr. Sumsion for his opinion on what could be done. Mr. Sumsion stated that the proposed amendment would devalue his property if it is zoned back to residential and the widening of the street would also devalue his home. He added that it would be the same for any other home on that street. He questioned why Woodcross was allowed at all given the parking problem. He stated that one solution would be to take traffic off 400 South Street. Mr. Sumsion challenged the Commissioner to live in his home for a short time to see what the traffic is like. Commissioner Tolman stated that she is hearing Mr. Sumsion say that he would prefer less traffic on 400 South Street, as well as fewer businesses. She commented that the proposed amendment would address not allowing any more businesses on 400 South Street until the road could handle additional traffic. Mr. Sumsion reiterated that he felt the Woodscross Development should not have been approved. Commissioner Tolman stated that when the Woodscross Development was brought in for review there was sufficient parking for the proposed uses. Mr. Francis interrupted the Commissioners. Commissioner Barker indicated that Mr. Sumsion had the floor and asked Mr. Francis to hold his comments. Commissioner Barker stated that the Woodscross Development was allowed because it was proposed in the proper zoning and that is why the amendment is before the Commissioners at this meeting.

Cleon Bird approached the Commissioners and explained that his mother-in-law owns property to the west of the Woodscross Development. He stated that he opposes the proposed parking lot. Director Aegerter stated that if the property is rezoned to R2, the zoning would not allow for a parking lot.

Steve Rowe approached the Commissioners and stated that he lived on Buckley Avenue. He questioned why the zoning should be changed because he felt it would devalue the homes. He stated that he felt the Commissioners were throwing a "high, hard one" at the residents. He asked why it would be necessary to rezone the property. Commissioner Barker stated that in ten years, 400 South Street would be widened creating some relief of traffic. He indicated that staff's thinking is that if there are more businesses along 400 South, those businesses would create greater traffic issues.

Mr. Rowe questioned if land on the north or south side of 400 South would be used for the road widening. Director Aegerter responded that the City had not decided and would look at what properties would be affected at a later time.

Gerald Jensen who lives at 16 Kolob Circle approached the Commissioners and stated that he owns two properties on the north side of 400 South. He indicated that it seemed that the zoning is trying to control the density and stated that the residents should do that. He stated that there have not been any new homes on the north side of 400 South in over 40 years. Existing houses that are sold become rental units. He commented that if the proposed parking lot for the Woodscross Development is allowed, there would be less than 400 feet of residential frontage. He stated that the busiest traffic time on 400 South had nothing to do with the professional offices, but with the schools and people trying to get to the freeway. If more professional offices are allowed in the area, they wouldn't have as much of a traffic impact as would homes being built or the traffic from Mapleton residents. He stated that the Fitness Center may have at the most, 25 cars at one time. In looking at the zoning based on Director Aegerter's information, 400 East to 800 East has seven residences; three are owner occupied and the others are rentals. In comparison from 400 South to Main Street there are seven residences with four being owner occupied. If the zone changes to R2, there is only one lot with a 90 foot frontage and the other lots would not qualify. Mr. Jensen stated that it appeared the City would be holding the residents hostage until the street is widened. He added that it did not make sense to penalize residents who did not sell their homes when the property was zoned commercial. He stated that he did not think changing the zoning back to the residential designation would affect the traffic.

Ellen Nelson approached the Commissioners and stated that she too felt that the Commissioners would be holding her hostage. She asked why change anything if no one is being hurt with the way it is. She stated that she felt the proposed amendment was stupid and asked why they were trying to fix something that wasn't broken. She asked that the Commissioners consider what the residents who live on 400 South feel about the proposed change.

Brent Voorhees who owns a house at 445 East 400 South approached the Commissioners and stated that he was only concerned with his property. He commented that the houses on 400 South would not be there forever. He added that the homes would not be sold as residents and would eventually have to be demolished. He indicated that his hope was that the properties would eventually sell as commercial property. He purchased his home in 2000 with that goal in mind. If the zoning is change to R2 and the road widened, his property would not hold the same value. He felt it was an injustice to rezone the property to R2 when in reality no one would want to build on that street anyway. He stated that changing the zoning would devalue his property.

Rick Smith who lives at 456 East 400 South stated that he moved here from Los Angeles because they liked the small town atmosphere. He stated that in the past six years, there has been an increase in building to the east and if 400 South is widened, that would take property from the front of their homes, leaving only 15 to 20 feet from the sidewalk to their front doors. He indicated that he did not want the city to take any property away from his home. Commissioner Barker responded that it was unknown at this time how or when 400 South would be widened.

Commissioner Tolman stated that the staff report is based on the perception that if the zoning remains as it is, there could be more businesses developed on 400 South creating a busier street. She explained that the proposed zone change acknowledges the problem as well as buys everyone time to assess the traffic and use on 400 South. If the road is widened, land would have to be purchased. Mr. Smith questioned the possibility of changing the speed limit. Commissioner Tolman stated that he would have to meet with Police Chief Scott Finlayson regarding that change. She added that speed did not increase capacity and the challenge with 400 South is capacity. On a daily basis, the number of trips to and from additional office space could add approximately 2,000 trips and the Commissioners have to look to the future in planning. Commissioner DeLlamas asked Mr. Smith if he was for or against the proposed amendment. Mr. Smith indicated that he was not sure, but did not want his property value to drop. He agreed that something had to be done.

Ms. Nelson asked the Commissioners if the citizens would vote on the proposal or was the decision made by the Commissioners. Commissioner Barker explained that the Planning Commission is the recommending body to the City Council.

Carl Weston approached the Commissioners and indicated that he moved to Springville six months ago. He indicated that because of the heavy traffic on 400 South, his concern was for the safety of his four children. He reported that 90% of the traffic was not from the businesses, but from people traveling to Mapleton and up the canyon. He stated that he rents his home on 400 South and would face a possible rent increase if the parking lot is approved and he has to move. He indicated that he likes being across the street from the school, but has concerns about the parking lot. In his opinion, the Woodscross Development was built first and then the parking became a concern; now he and others might be forced to move. Mr. Weston stated that Anytime Fitness usually has only three or four cars parked there, so he is against the proposed parking lot. In his opinion 400 South is a major road, but the Commissioners need to think things through before building any more businesses.

Matt Stewart whose parents live on Canyon Road approached the Commissioners. He stated that it appears that the Planning Commissioners and staff were recommending the zoning change and amendment to decrease the possibility of additional businesses on 400 South. He commented that it appeared that the proposal would limit traffic and added that everyone has to deal with the fact that there is a General Plan. He suggested that the City was trying to take action to reduce accidents, etc. but questioned if a band aid was being used to cover a gaping wound. He questioned if the City Council approved the zone change, whether things would keep getting worse. Commissioner Barker responded that the road improvement would have to be a budgeted item and he did not know how the roads are planned. Director Aegerter added that this would be part of the capital improvement program for roads and stated that impact fees associated with new growth has been identified. The City Council identifies needs based on various types of issues; traffic increase, growth, etc. Commissioner Tolman asked if the information was available to citizens. Director Aegerter stated that it could be. Mr. Stewart commented that concerned citizens must take action before the Planning Commission and City Council and give good reason why they oppose or support a particular item. He stated that it was up to the citizens to research and do their due diligence.

Commissioner Barker thanked those who approached the Commissioners. With no further discussion, Commissioner DeLlamas moved to close the Public Hearing. Commissioner Huff seconded the motion. The vote to close the Public Hearing was unanimous.

Commissioner Barker stated that this item brought one of the biggest turn outs to a Planning Commissioner meeting. He indicated that the Commissioners would deliberate and discuss the proposed rezone to make a recommendation to the City Council. This item would then go on to the City Council for the April 15, 2008 meeting. He reported that the citizens needed to contact the City Council members and voice their opinions and concerns.

CONSIDERATION

Commissioner DeLlamas stated that he was torn about a decision because the majority of the residents who approached the Commissioners were concerned with the devaluation of their property. He indicated that he would recommend in favor of the zone change for the safety of the children.

Commissioner Barker asked Director Aegerter if the lots to be rezoned would be meet lot requirement sizes. Director Aegerter stated that typically, a developer looks at the value of the land and not the structure. If there is piece of property zoned residential with enough space for parking, the site could be adapted and used for offices, whereas the PO – Professional Office zone requires 15,000 square feet to develop.

Director Aegerter indicated that there is such a distrust of government, which is okay it it's healthy. However, the staff's analysis is based on attempting to lessen impacts on traffic flow on 400 West. To clarify a misunderstanding, staff does not have the time, nor does staff scheme behind closed doors. When the widening of 400 South does occur the City would hire someone to look at which side of the street would be least affected, but sidewalks would not be next to doorsteps. Typically the road widening affects one side of the street as much as the other and property is purchased at value. He said his experience has shown government usually buys high and sells low.

Director Aegerter stated that as clarification on the parking, it is easy to judge developers, but the Woodcross Developers had not developed commercial property before and were inexperienced in their area. In looking at the regulations regarding parking stalls, it was determined that one parking stall would be required for every 300 square feet of retail space. When there are professional types of service, more parking stalls are required. Director Aegerter stated that the developer followed the ordinance assuming that they would be doing retail sales at this development. If the businesses in the development were used for retail there would be adequate parking.

Mark Sumsion commented that right now would be the time to find an alternate road to Mapleton.

With other attendees wanting to comment on the agenda item, Commissioner DeLlamas moved to reopen the Public Hearing. Commissioner Tolman suggested placing a time limit on the Public Hearing. Commissioner DeLlamas modified his motion to include a ten minute limit for

the reopening of the Public Hearing. Commissioner Tolman seconded the motion. The vote to reopen the Public Hearing was unanimous.

Mr. Voorhees indicated that in widening 400 South properties would lose much of their front yards, decreasing the value of their property. Commissioner Alleman stated that the City would have to purchase the entire lot and not just a portion of it if too much frontage was lots. Commissioner Barker indicated that either part or all of the property could be purchased. Mr. Voorhees stated that all of the residential parcels would never have another home built on them; I.E. the home next to him was demolished and is now commercial property.

Ms. Nelson indicated that there was more property along 400 South that was commercial than residential on north side and wondered why the City would want to change the zoning.

Mr. Jensen stated that if the City was trying to rezone the seven residential lots on 400 South; Chase Lane and Kolob Circle, then why weren't the 15-17 residents to the east included in the rezone proposal. He stated that there was more commercial frontage in those four blocks than in the other identified area.

Commissioner DeLlamas moved to close the Public Hearing. Commissioner Tolman seconded the motion. The vote to close the Public Hearing was unanimous.

Commissioner Alleman informed the attendees that the traffic flow problem did not start with the Commissioners. As a Commission, they have continually discussed traffic; I.E, the Santana overpass and explained that their hands were tied when it comes to a State road.

Commissioner Huff stated that there were two separate issues involved and he has not heard any comments regarding Chase Lane and added that he is struggling with the proposed change to 400 South. He commented that he understood the traffic flow issues, but it appeared that the rezoning seemed to be piece mealing the area. Commissioner Barker stated that the discussion regarding the amendment to the General Plan and the proposed amendment to the Official Zone map had been combined. Director Aegerter added that it was important to leave the item discussion together. He stated that the City Council included the whole area for review and indicated that there was a variety of options; I.E. medium – low density on 400 South based on leaving the frontage requirement in the PO zone; leave the PO zone in place; or follow the recommendation by staff.

Commissioner Tolman asked Commissioner Huff to explain his concern with piece mealing. Commissioner Huff stated that the residents were not concerned with traffic as it is and the residents won't be there if the area goes commercial. Commissioner Tolman stated that the Commission had only heard from the residents on the north side. She indicated that the challenge is that the majority of the traffic is coming from the east. If the present zoning creates more business destinations, it would create even more reason for increased traffic on 400 South. She stated that her concern is for the health, safety and public welfare and added that the road cannot handle any more traffic. Commissioner Huff stated that the traffic on 400 South is heaviest in the morning when people are traveling to work and in the afternoon when school is out. Commissioner Tolman reiterated that the traffic situation is because of what is in the area

now, but allowing more commercial development increases the traffic. She stated that the challenge was not to create a problem, but to manager the problem.

Commissioner Huff expressed his concern with development building before the road is widened. Commissioner Tolman stated that is a concern but not the issue that is before the Commissioners. She asked Director Aegerter what the maximum number of trips could be generated if more businesses develop along 400 South. Commissioner Huff stated that the bigger issue is not the number of trips, but whether or not the road could handle the additional traffic. Director Aegerter referenced the dental office for an example and stated that with a 2,000 square foot building, there could be 240 to 288 trips per day associated to that business. In reviewing the 637 feet of frontage associated with the homes on 400 South, there could be approximately six lots. Currently there is 648 feet of frontage that generates a daily average of about 2,100 trips. Commissioner Huff stated that the number of trips was not his biggest concerns, but where the property for the widening of 400 South would come from and if businesses are allowed that they are built far enough away from the street to accommodate the widening. Commissioner Tolman indicated the Commissioner Huff suggested leaving the zoning as it is and adjusting the setbacks. Enlarging the setback would make the small lots non-developable or the Commissioners could use staff's recommendation to hold other development.

Commissioner Barker had asked Commissioner Tolman how important the traffic figures were at this moment. Commissioner Tolman indicated that Commissioner Huff posed an alternative to leaving the zoning as it is, but proposed increasing the setback so developers would know that the road would be widened. She stated there were safety, health and public welfare issues and if the street cannot handle the expected flow if developed commercially, it is an important matter that the City Council needs to know. She indicated that information received by the Commissioners should be shared with the Council Members.

Commissioner DeLlamas stated that he did not want to devalue anyone's property and if the amendment could define the increased setback, he would be okay with the PO – Professional Office zoning.

Director Aegerter indicated that based on the maximum density in PO zone, each lot would need 70 feet of frontage with 10,000 square feet minimum lot size, which would be between seven and eight commercial lots.

With no further discussion, Commissioner Tolman moved to recommend approval of the proposed amendment to the General Plan at about 300 and 400 South and 400 and 800 East from Commercial to Medium Density Residential as stated in staff's recommendation contingent upon:

1. The actual land uses are reflected in the land use designations.
2. The proposal recognizes the area along 400 South may appropriately transition to a commercial use at such time as an adequate street is constructed that meets the additional traffic needs associated with commercial development.
3. The proposal is consistent with the goals, objectives and policies of the General Plan.

Commissioner Nolte seconded the motion. The vote was as follows:

Commissioner Alleman – Aye
Commissioner Huff – Aye
Commissioner Nolte – Aye
Commissioner Tolman – Aye
Commissioner Barker – Aye
Commissioner DeLlamas – Nay

Springville City seeking to amend the Official Zone Map at about 300 and 400 South Streets and 400 and 800 East Streets from PO – Professional Office to R2, Single and Two Family Residential.

Director Aegerter approached the Commissioners regarding the rezoning indicated that the proposal reflects the use. Commissioner Huff asked if the proposed amendment to the General Plan could be approved, but not amend the request to rezone the properties. Director Aegerter responded in the affirmative, but that would create confusion on the map. He indicated that the Commissioners would probably want to leave the use as commercial.

Commissioner Tolman asked what the compelling reason was for giving the vacant lot the commercial designation. Director Aegerter indicated that the properties to the west were owned by the same individual and this may be an opportunity for additional parking. If left as residential, the owner would have a difficult time developing the property. Commissioner Tolman commented that would make sense to rezone that parcel to help address parking.

PUBLIC HEARING:

Commissioner Tolman moved to open the Public Hearing. Commissioner DeLlamas seconded the motion. The vote to open the Public Hearing was unanimous.

With no comments, Commissioner DeLlamas moved to close the Public Hearing. Commissioner Tolman seconded the motion. The vote to close the Public Hearing was unanimous

CONSIDERATION

Commissioner Tolman moved to recommend approval of the proposed amendment of the City's zoning map from PO - Professional Office to R2 - Residential for properties located between 300 South and 400 South Streets and 400 East and 800 East Streets as illustrated.

Additionally, consideration of rezoning from the R-2 to any commercial designation shall be contingent upon the following:

1. Completion of a major collector right-of-way; and
2. Adoption of design standards that specifically address compatibility commercial structures with existing residential areas.

Commissioner Nolte seconded the motion.

Commissioner Huff suggested including some sort of design compatibility in the motion.

Commissioner Tolman stated that there were many individuals who voiced the concern with the new structure on 400 South; I.E. scale was wrong, if the building looked more like it could fit

into the neighborhood, but it dramatically changed the context of the neighborhood; the property had been built up; etc.

With the motion made and seconded, the vote was as follows:

Commissioner Alleman – Nay
Commissioner Huff – Nay
Commissioner Nolte – Aye
Commissioner Barker – Nay
Commissioner Tolman – Aye
Commissioner DeLlamas – Nay

Commissioner DeLlamas asked if the City had any plans of creating a design review committee for commercial properties. Director Aegerter responded that at this point, no, but it would be considered as a future project.

Commissioner Huff stated that he would like to remove the design standards. Commissioner Alleman stated that he worries about approving the rezone without having all pieces of puzzle to the road plan and added that the design standards did not bother him. He stated that quality builders would do whatever was required. Commissioner DeLlamas commented that there could be new builders who need that guidance. Commissioner Huff indicated that there should be design standards, but not in the way it has been presented. Commissioner Alleman commented that he thought Plat A residents were worried about the area.

Commissioner Tolman stated that 400 South has been identified as a major collector and asked the Commissioners what change would help them feel comfortable with the design standards. Commissioner Alleman stated that he thought that some of the residents did not understand the proposed design standards. Commissioner DeLlamas stated that there was a health and safety issue for the children. Commissioner Barker stated that he did not like the idea of binding future development with design standards. He stated that the City did not know how long the widening of the road would take. He indicated that if someone came to the City with the right project, that development needs to be considered.

Commissioner DeLlamas moved against the land use request. With the lack of a second, the motion dies.

Commissioner Huff stated that he would recommend rezoning the property off of 400 South to R2 and not rezone any of the properties on 400 South. Commissioner DeLlamas seconded the motion. Commissioner Alleman stated that would leave all the property along 400 South zoned as it is and rezone the rest of the properties. Commissioner Tolman indicated that the intent of the rezone was to address the properties along 400 South. She stated that staff was presenting an opportunity to re-evaluate 400 South and now some of the Commissioners are recommending that nothing be done.

Commissioner Barker stated that he did not think the rezone was traffic driven and asked how the City would integrate other development. Commissioner Tolman responded that there were a

number of issues that brought about the proposed rezone request. In essence, the proposed rezone is to not increase traffic with increased commercial development. By making the recommendation to change the zones, the City is establishing a holding pattern.

With the motion made and seconded to rezone properties located on Chase Lane and Kolob Circle only, the vote was as follows:

Commissioner Alleman – Nay
Commissioner Huff – Aye
Commissioner Nolte – Nay
Commissioner Barker – Aye
Commissioner Tolman – Nay
Commissioner DeLlamas - Aye

Commissioner Tolman moved to approve the proposed amendment of the City's zoning map from PO - Professional Office to R2 - Residential for properties located between 300 South and 400 South Streets and 400 East and 800 East Streets as illustrated. Commissioner Nolte seconded the motion. The vote was as follows:

Commissioner Alleman – Aye
Commissioner Huff – Nay
Commissioner Nolte – Aye
Commissioner Barker – Nay
Commissioner Tolman – Aye
Commissioner DeLlamas – Nay

Commissioner Barker asked what the by-laws stated regarding the Commission Chairperson voting. Planner Boyd indicated that the Chairperson votes.

Council Representative Packard indicated that there could be a motion to table the item and reconsider it at a later time. Commissioner Barker indicated that he had considered that, but the problem is that Police Chief Finlayson and Public Works Director Stapley presented information to the Commissioners and they are not here now to answer questions. He indicated that it would also have been nice to have Legal Counsel Penrod attend the meeting. Director Aegerter suggested continuing the agenda item and those individuals named would be invited to the meeting to answer questions. Commissioner Barker stated that additional information regarding 400 South would be beneficial.

Without further discussion, Commissioner Tolman moved to table and to continue the item to the next Planning Commission Work Session meeting. Director Aegerter stated that there would have to be a public meeting for the Design Standard in Plat A as well. Commissioner Tolman amended her motion to review the item at the April 8, 2008 Regular Session. Commissioner Alleman seconded the motion. The vote to table and to continue the item to the April 8 meeting was unanimous. Director Aegerter indicated he would send a letter to surrounding property owners regarding the continuance. Commissioner Tolman suggested placing notices on both

sides of the street. Director Aegerter indicated that the Commissioners might want to reconsider their motion on the General Plan.

Administrative Session:

Nothing

Any New / Unfinished Business:

Discussion and consideration for the election of the Planning Commission Chairperson.

Commissioner Huff moved to elect Commissioner Alleman as the Planning Commission Chairperson. Commissioner DeLlamas seconded the motion. Commissioner Alleman declined.

Commissioner Tolman nominated Commissioner DeLlamas. Commissioner DeLlamas Dale declined.

Commissioner Huff nominated Commissioner Barker. Commissioner DeLlamas seconded. Commissioner Barker declines stating that he felt the position should rotate between the Commissioners.

Commissioner Tolman nominated Commissioner DeLlamas. Commissioner Alleman seconded the motion. The vote to appoint Commissioner Dale DeLlamas as the 2008 Planning Commission Chair was unanimous.

Open House regarding Design Standards, Plat A

Commissioner Barker asked about the Thursday night Open House. Director Aegerter stated that the Commissioners would be reviewing the general design standards and specific standards associated with new construction. He stated that the Commissioners should keep in mind which should become standards and which should be guidelines. He briefly discussed the Secretary of Interior Standards for Historic Preservation as an example that focuses on preservation exclusively.

Director Aegerter indicated that staff would present information and the history of why the City is looking at adopting design standards. After staff's presentation, the meeting would be open for public comment. He stated that the Commissioners could have a follow-up meeting and direct staff to make any corrections. He reported that a Public Hearing has been scheduled for the fourth Tuesday meeting in March.

Director Aegerter reported that only one person has come to the City to challenge the formal adoption of the Design Standards. He indicated that he has asked Legal Counsel Penrod to prepare a document to address vesting. Commissioner Barker stated that Cris Child has requested to do a formal presentation. Director Aegerter stated that Mr. Child would be given the opportunity before the public comment portion of the meeting to present his information. Director Aegerter reported that another resident identified some concerns regarding exterior cladding and stated that vinyl siding is the one product he has heard the most about. He explained that vinyl siding is not considered as a historic material.

Commissioner Barker asked if the meeting had been advertised for a certain length of time. Director Aegerter reported that the meeting would begin at 6:00 PM with no specific ending time. Commissioner Tolman asked how the City could get a sense of people who are supportive of the design standards. Director Aegerter commented that was the challenge because the City hears from those residents who are affected. Commissioner Alleman expressed his concern that the letter that was sent had positive responses, but will those individuals who were supportive of the design standards attend the meeting. Director Aegerter reported that there had been 70 to 80 attendees at the August 2007 Open House and 51 response sheets had been turned in. He indicated that the majority indicated that they thought the standards were great, but didn't explain why. He stated that his concern is that they understood what the standards are all about which is essential when developing policy. He stated that the City will always be accused of being unfair, depending on whether an individual receives what he wants and the concern is to be as fair as possible in your deliberations.

Commissioner Huff moved to adjourn the meeting. Commissioner Tolman seconded the motion. The vote to adjourn was unanimous.

Commissioner Barker declared the meeting adjourned at 10:09 PM.