



**AGENDA
BLUFFDALE CITY PLANNING COMMISSION
May 20, 2014**

Notice is hereby given that the Bluffdale City Planning Commission will hold a public meeting **Tuesday, May 20, 2014**, at the Bluffdale City Fire Station, 14350 South 2200 West, Bluffdale, Utah. Notice is further given that access to this meeting by Planning Commissioners may be by electronic means by telephonic conference call. The Agenda will be as follows. Please note that all times listed on the Agenda are provided as a courtesy and are approximate and subject to change.

PLANNING COMMISSION BUSINESS MEETING - 7:00 P.M.

1. Invocation and Pledge.*
2. Election of Planning Commission Officers.
3. Public comment (for non-public hearing items).
4. Approval of minutes from the May 6, 2014 meeting of the Planning Commission.
5. **PUBLIC HEARING, CONSIDERATION, AND VOTE** on a Conditional Use Permit for an accessory dwelling unit to be located in a single family dwelling located at 610 West Regent Garden Lane. Justin & Tatiana Truong, applicants.
6. **PUBLIC HEARING, CONSIDERATION, AND VOTE** to amend the Zoning Map from A-5 Agriculture to R-1-43 Residential located at approximately 15062 South 2475 West, Jordan Schouten, applicant.
7. **PUBLIC HEARING, CONSIDERATION, AND VOTE** for Preliminary and Final Plat A and B for The Marketplace – Aclaime at Independence located at approximately 14700 South Porter Rockwell Boulevard. Plat A consists of 17.71 acres for 49 single-family residential lots, 149 residential townhomes, with associated streets and open space areas. Plat B consists of 7.09 acres for light industrial uses. BLR Development, Inc., applicant.
8. City Council report.
9. Planning Commission business (planning session for upcoming items, follow up, etc.).
10. Adjournment.

Dated: May 16, 2014

A handwritten signature in blue ink that reads "Grant Crowell".

Grant Crowell, AICP
City Planner/Economic Development Director

In compliance with the American Disabilities Act, individuals needing assistance or other services or accommodation for this meeting should contact Bluffdale City at least 24 hours in advance of this meeting at (801)254-2200. TTY 7-1-1.

*Contact Gai Herbert if you desire to give the Invocation.

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Present:

Members: Johnny Loumis, Jr.
Kory Luker
Brandon Nielsen (arrived at 7:27 p.m.)
Connie Pavlakis

Excused: Von Brockbank
Brad Peterson

Others: Mayor Derk Timothy
Grant Crowell, City Planner/Economic Development Dir. (arrived at 7:10 p.m.)
Jennifer Robison, Associate Planner
Alan Peters, Associate Planner
Gai Herbert, Community Development Secretary

BUSINESS MEETING

Connie Pavlakis called the meeting to order at 7:03 p.m.

1. Invocation and Pledge.

Mayor Derk Timothy offered the invocation.

Johnny Loumis, Jr., led the Pledge of Allegiance.

2. Election of Planning Commission Officers.

Connie Pavlakis moved to nominate Brad Peterson to serve as Planning Commission Chair. Johnny Loumis, Jr. seconded the motion. Vote on motion: Connie Pavlakis-Aye; Johnny Loumis, Jr.-Aye; Kory Luker-Aye. The motion passed unanimously. Brandon Nielsen was not present for the vote.

3. Public Comment.

There were no public comments.

4. Approval of Minutes from the May 6, 2014, Meeting of the Planning Commission.

Commissioner Pavlakis asked that approval of the Minutes from the May 6, 2014, Meeting of the Planning Commission be tabled until the next Planning Commission Meeting because a quorum of members present at that meeting were not present at tonight's meeting. Commissioner Loumis, who was present at the previous Planning Commission Meeting, concurred with Commissioner Pavlakis' recommendation.

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5. Public Hearing, Consideration, and Vote on a Conditional Use Permit for an Accessory Dwelling Unit to be Located in a Single-Family Dwelling Located at 610 West Regent Garden Lane, Justin and Tatiana Truong, Applicants.

Associate Planner, Alan Peters, presented the staff report and stated that the home is currently under construction and located in the Bluffdale Heights subdivision. Mr. Peters displayed pictures of the home as of the previous week, which were provided in the staff report. He then reviewed the floor plan of the basement apartment. The apartment will have two bedrooms, a family room, a kitchen, a bathroom, a laundry room, and a utilities closet. An exterior entrance is located at the rear of the home. Mr. Peters then identified the garage and parking area. He explained that the owners will have a two-car garage and the renters will have a separate one-car garage. Mr. Peters reviewed the site plan to show the layout of the property. He explained that the availability of parking complies with the Code requirements.

Mr. Peters noted that the new General Plan calls for the facilitation of diverse housing choices for a variety of means and income levels and to integrate diversity of housing choices into the community. Therefore, the proposed accessory dwelling unit is consistent with the General Plan. The home is located on property in which accessory dwelling units are a Conditional Use.

Mr. Peters reviewed the criteria enumerated in the City Code for accessory dwelling units, as follows:

1. **Location:** An accessory dwelling unit shall only be allowed within a single-family dwelling.

The proposed accessory dwelling unit is located within the basement of the single-family dwelling, with both a separate exterior entrance and an internal connection to the main dwelling unit.

2. **Size:** The accessory dwelling unit shall be accessory and subordinate to the primary dwelling. For purposes of this section accessory and subordinate requires the accessory dwelling unit to be not more than sixty-five percent (65%) of the square footage of the primary dwelling.

The proposed accessory dwelling unit occupies the entire basement level of the home and is approximately 840 square feet in size. The primary dwelling is approximately 2,157 square feet, making the dwelling unit 28% of the total dwelling and 39% of the size of the square footage of the primary dwelling.

3. **Number:** A maximum of one (1) accessory dwelling unit shall be allowed per single family dwelling. Accessory dwelling units shall contain no more than one (1) dwelling unit.

This is the only accessory dwelling unit proposed for the single-family dwelling.

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4. **Parking:** At least one (1) off-street parking stall shall be provided for each accessory dwelling unit. Such parking stall shall be in addition to all off-street parking requirements for the primary dwelling on the lot and shall conform to the City parking standards specified elsewhere in this Title.

The apartment will include a single-car attached garage that will provide parking for one vehicle with additional parking available on the driveway in front of the garage, providing at least two parking spaces for the accessory dwelling unit.

5. **Design and Character:** Accessory dwelling units within a single-family dwelling shall retain the compatibility of the primary dwelling with the residential character of the neighborhood and be harmonious in design and structure with the primary dwelling.

The accessory dwelling unit is contained in the basement and is integrated architecturally with the single family dwelling. The entrance to the accessory dwelling unit is located at the rear of the house.

6. **Construction Codes:** The accessory dwelling unit shall comply with all construction, housing, and building codes in effect at the time the accessory dwelling unit is constructed and shall comply with all procedures and requirements of the City Building Regulations.

The home is currently under construction with building permit #14-03087 issued on March 17, 2014.

7. **Ownership:** The single-family dwelling and the accessory dwelling unit shall remain in single ownership and either the single-family dwelling or the accessory dwelling unit shall be owner occupied.

The applicants are aware of, understand, and agree to comply with this requirement.

8. **Non-Transferable:** No conditional use permit issued for an accessory dwelling unit shall be assignable or transferable upon the sale of the single family dwelling or otherwise and the conditional use permit shall expressly state that the permit shall terminate upon the sale or transfer of property.

The applicants are aware of, understand, and agree to comply with this requirement.

In response to Commissioner Pavlakis' question regarding the size of the lot, Mr. Peters stated that it is .18-acre, or just 10,000 square feet. In response to Commissioner Pavlakis' question regarding the completion date of the home, Mr. Peters indicated that the owners anticipate finishing the entire home by the end of June.

Commissioner Pavlakis opened the public hearing.

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Justin Truong gave his address as 610 West Regent Garden Lane and identified himself as one of the applicants. Mr. Truong stated that he and his wife hope to move into the home at the end of June. In response to Commissioner Loumis' question regarding the parking, Mr. Truong stated that he believes it will be adequate.

There were no more public comments. Commissioner Pavlakis closed the public hearing.

Commissioner Pavlakis noted that this is the first Conditional Use Application she has seen for which the home is not currently owner occupied. Mr. Peters stated that one of the conditions of approval is that the home be owner occupied. He added that the Conditional Use Permit applies only to the applicants.

Johnny Loumis, Jr., moved to approve the Conditional Use Application for an accessory dwelling unit for Justin and Tatiana Truong, Application #2014-20, subject to the following:

Conditions:

- 1. That all requirements of the City Code are met and adhered to for this Conditional Use Permit.**
- 2. That a notice of approval is recorded against the property as required by the City Code.**
- 3. The applicants shall sign the Conditional Use Permit in conjunction with the issuance of their Certificate of Occupancy.**

Findings:

- 1. That this application meets the requirements for an Accessory Dwelling Unit Conditional Use Permit Approval as found in the City and State Code.**
- 2. That the proposed Conditional Use Permit will not be detrimental to the health, safety, or general welfare of persons or property within the area.**

Connie Pavlakis seconded the motion. Vote on the motion: Johnny Loumis, Jr.-Aye; Connie Pavlakis-Aye; Kory Luker-Aye. The motion passed unanimously. Brandon Nielsen was not present for the vote.

- 6. Public Hearing, Consideration, and Vote to Amend the Zoning Map from A-5 Agriculture to R-1-43 Residential Located at 15062 South 2475 West, Jordan Schouten, Applicant.**

Associate Planner, Jennifer Robison, presented the staff report and gave a brief overview of the location and history of the subject property. She reported that the County approved a subdivision on October 11, 1977. The land, which originally consisted of nine acres, was subdivided into four

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lots. Bluffdale City was not incorporated until 1978, so the owners were subject to the subdivision requirements of the County, which zoned the property Agricultural. A Bluffdale Zoning Map from 1999 showed the property as A-5 Agriculture. Mrs. Robison surmised that the subject property was zoned A-5 because it was originally zoned Agriculture. Until now, no one had questioned the zoning. A home was built on one of the lots. Since it was a lot of record, a building permit was required for the construction of the home. The remaining lots would be eligible for a building permit as well.

The Bluffdale City General Plan Map identifies the area as Very Low Density Residential, which is consistent with the R-1-43 zoning request. The purpose of the zone change request is to allow the applicant to build a home. It was noted, however, that he doesn't want to own the entire two acres. His neighbor to the south would like to do a lot line adjustment in order to acquire additional property. In order to do that, a zoning change must first occur from A-5 to R-1-43. Mrs. Robison clarified that the applicant is the only one requesting a rezone. None of the current lots on the nine-acre tract meet the A-5 standard because they are all less than the five acre minimum. In order for the City to consider a lot line adjustment on a parcel less of than five acres, the zoning needs to be R-1-43.

In response to Commissioner Luker's question as to the new zoning designation, Mrs. Robison stated that it would modify the applicant's lot. She reiterated that A-5 stipulates a five-acre minimum lot size and none of the existing lots meet that standard. City Planner/Economic Development Director, Grant Crowell, noted that there are minor differences in the allowed uses between the two zones. In agriculture zones, agriculture is the primary use and residences are the secondary use. In residential zones, residences are the primary use and agriculture is secondary.

In response to Commissioner Loumis' question regarding the private access, Mrs. Robison stated that the private access, which consists of a lane made available by a 20-foot right-of-way, runs along Lots 2, 3, and 4. She also noted that Lot 4 is one acre in size.

Commissioner Pavlakis opened the public hearing. There were no public comments. The public hearing was closed.

Kory Luker moved to forward a positive recommendation to the City Council for the Zoning Map Amendment, Application #2014-21, based on the following:

Findings:

- 1. The historical A-5 zoning of 5 acres or more is no longer consistent with the actual lot size of the property and surrounding properties.**
- 2. The Bluffdale City General plan identifies this area as Very Low Density Residential which is consistent with the R-1-43 residential zone.**

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3. **That no lot line adjustment approval is granted as part of this zone amendment application. If zoning is granted, the applicant is required to make application for a lot line adjustment with City Staff.**
4. **That no building permit approval is granted as part of this zone amendment application.**
5. **The proposed changes will not be detrimental to the health, safety, or general welfare of persons or property within the area**

Johnny Loumis, Jr., seconded the motion. Vote on motion: Kory Luker-Aye; Johnny Loumis, Jr.-Aye; Connie Pavlakis-Aye. The motion passed unanimously. Brandon Nielsen was not present for the vote.

7. **Public Hearing, Consideration, and Vote for Preliminary and Final Plat A and B for The Marketplace Aclaime at Independence Located at Approximately 15700 South Porter Rockwell Boulevard. Plat A Consists of 17.71 Acres for 49 Single-Family Residential Lots, 149 Residential Townhomes, with Associated Streets and Open Space Areas. Plat B Consists of 7.09 Acres for Light Industrial Uses. BLR Development, Inc., Applicant.**

Associate Planner, Jennifer Robison, presented the staff report and stated that the Development Agreement for Aclaime at Independence was reviewed and approved by the Planning Commission and City Council in February of 2014. Mrs. Robison identified the portion that is currently platted and stated that the remainder of the property will be platted at a later date. She explained that the agenda item calls for a review of two plats. Mrs. Robison addressed Plat B, which is comprised of just one 7.09-acre lot. The property was sold and the property owner will submit a site plan proposal for consideration and approval at a later date.

The other area is Plat A, which is where the residential units will be located. The proposed plat will have 49 single-family homes and 149 residential townhomes, nine of which will be designated as live/work units. Mrs. Robison identified the location of the urban townhomes, the courtyard townhomes, the location of the proposed park, and the detention basin. She explained that there will also be an additional area for a business called Impact Training in order to accommodate its parking needs.

Mrs. Robison reviewed a diagram of Plat A and identified the location of the streets, the public park, and the parking area for Impact Training. She identified Parcel A, which is in the northwest corner of Plat A. Parcel B, which is just east of Parcel A, will be dedicated to Bluffdale City for the park and the detention basin. Other parcels throughout the project are designated as active open space, as specified in the Development Agreement.

Mrs. Robison noted that the meeting packet contains street cross-sections that are part of the Development Agreement. She reviewed some of the cross-sections and observed that streets that serve the single-family residences will be public, but the streets that serve the townhomes will be

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private and maintained by the HOA. She identified the location of the additional parking that will be provided for the townhome owners. It was noted that a canal will run along the back of the industrial property to the west.

Mrs. Robison next reviewed some of the stipulated conditions of approval. She first highlighted condition number four, which specifies that the project will have its own Development Review Committee. They will have jurisdiction over the review and approval of plans for construction, which will then be forwarded to the City Council for final approval.

She highlighted condition number six, which requires the developer to address and resolve the discrepancy of acreage of the public park, along with adequate parking. She explained that the developer has suggested that Parcels G and V also be considered parks and maintained by the HOA. Parcel B will be owned and maintained by Bluffdale City. There was discussion between the developer and the City Attorney who determined that the action would be appropriate if the Planning Commission concurs.

Mrs. Robison next described condition number seven, which stipulates that the extension of the East Jordan Canal culvert, which is part of the plat, must be approved by the City Engineer prior to the recordation of the final plat. Developing the plans for the culvert extension will be the responsibility of the property owner.

Mrs. Robison reviewed condition number eight and explained that the developer's plan calls for all of the drainage on the property to be discharged into the East Jordan Canal. Salt Lake County requires a permit for flood control. Bluffdale City has not received that permit yet, so this item stipulates that the Flood Control Permit must be issued for discharge into the canal. The developer received preliminary approval and the City Engineer reviewed the documentation and concurred that the permit must be in place before recordation of the final plat.

Conditions nine and 10 address grading and drainage of the property. The City Engineer recently began requiring grading and drainage plans be certified for each lot when builders request a building permit. The builder must also certify the grading and drainage after construction to ensure compliance with the initial engineered plan.

Mrs. Robison addressed condition number 11, which specifies the need for a Street Tree Plan which will be submitted with each site plan.

In response to Commissioner Pavlakis' request for clarification of the need for site plans on the residential areas, Mrs. Robison explained that site plans are required for anything that is attached to the property, whether they are the townhomes, multi-family residences, or non-residential near the industrial area. The single-family homes will not require site plans, but will have to be reviewed and approved by the DRC.

Commissioner Nielsen next inquired about street lighting. Mrs. Robison explained that there will be street lights that will be similar to the ones in Independence.

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Mrs. Robison next identified a parcel of property on the west side of Porter Rockwell Boulevard that will be dedicated to the City as part of the trail system. The goal is to provide a connection so that it ties into the Trails Master Plan. In response to Commissioner Luker's question as to whether the walking area will extend to 14600 South, Mrs. Robison stated that it currently does not; however, eventually it will connect.

In response to Commissioner Pavlakis' inquiry about the Snow Removal Plan for the private lanes, Mrs. Robison stated that it is not included in the plan provided in the meeting packet. Mr. Crowell added that there is a Snow Removal Plan in the Project Plan. The homeowners will have to determine a location for piling the snow because they cannot leave it by the public roads.

With regard to the drainage requirements, Commissioner Loumis asked if a builder who has multiple lots will be required to have each lot's drainage plan approved. Mrs. Robison reiterated that each individual lot must have a certified and approved drainage plan. That requirement is enforced at the building permit stage. In response to a question raised by Commissioner Loumis, Mrs. Robison stated that the HOA-maintained parks will remain open to the public because they are designated as active open space.

Mr. Peters located a diagram identifying the open spaces where snow will be placed. Commissioner Pavlakis asked if the modification to the cul-de-sac will change the Snow Removal Plan. Mrs. Robison did not expect it to since the land is public. Mr. Crowell added that the primary concern is to ensure that the snow on the private streets is not pushed onto public rights-of-way.

Commissioner Nielsen asked how the front yard landscaping will be addressed. Mr. Crowell stated that the Independence project was vested prior to the City's front yard requirements being adopted. Front yard landscaping will depend on how the HOA wants to enforce the landscaping requirement. He found it interesting that street trees are required as part of the conditions, but not the front yard landscaping. In response to Commissioner Pavlakis' question as to whether or not landscaping could be required for the Certificate of Occupancy, Mr. Crowell stated that it could have been if it had been included in the Project Plan. He stated that the City may want to address that issue in the next phase. With regard to street trees, Mrs. Robison stated that they are the responsibility of the homeowner or the HOA, unless they are near the park.

Commissioner Pavlakis opened the public hearing.

Dave Tolman gave his address as 1245 Westwood Drive, in Bountiful, and identified himself as a representative of BLR Development, Inc. Mr. Tolman explained that the street names are after charities of the project investors. He confirmed that the park will be a public active park. The strip running west of Plats A and B will be 20-foot wide. The trail running along the west side of Porter Rockwell Boulevard will be a 10-foot asphalt trail that is intended to run to 14600 South.

Mr. Tolman next addressed the culvert at 14600 South. He explained that in the Development Agreement, BLR Development, Inc., acknowledged its responsibility to widen the culvert and is willing to do so. His concern was that currently the future of 14600 South is still unknown. He was

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reluctant to present a plan that might have to be changed. His preference was to develop and provide the plans once the future of 14600 South has been definitively determined.

In response to a question raised by Commissioner Loumis, Mayor Timothy showed a diagram of the road's current condition and explained that the City's intent is to have it curve so that Porter Rockwell Boulevard is the primary route to the freeway interchange. Doing so would require 14600 South to serve as a secondary route that curves and connects at a right angle into Porter Rockwell Boulevard. The City currently has just over one-half of the \$800,000 needed to purchase the corridor so that the road can come to fruition. Mayor Timothy added that when UDOT conducted the impact study, the City donated funds to extend the study to 14600 South. A portion of the study included showing the available options for the intersection at 14600 South and Porter Rockwell Boulevard, as well as the feasibility of tying 600 West into 14600 South. The preferred option was to 'T' 14600 South into Porter Rockwell Boulevard.

There were no further public comments. Commissioner Pavlakis closed the public hearing.

In response to the Commissioner Loumis' question regarding the possible addition of snow removal as a condition, Mrs. Robison noted that snow removal is already part of the Development Agreement. As a result, she saw no reason to include it. Commissioner Loumis agreed.

Brandon Nielsen moved to forward a positive recommendation to the City Council for The Marketplace – Aclaime at Independence Preliminary and Final Plat Application #2014-11 subject to the following:

Conditions:

- 1. That all requirements of the City Code, development agreement, and adopted ordinances are met and adhered to.**
- 2. That all plats comply with the Bluffdale City Engineering Standards and Specifications and recommendations by the City Engineer and Public Works Department for all relevant construction and plat drawings prior to the plat recording.**
- 3. That the project adheres to all requirements of the International Fire Code.**
- 4. That all building permit submittals have written or stamped approval from AIDRC, pursuant to the requirements of the DA prior to being submitted to the City.**
- 5. That easements for any offsite facilities are provided to the City, as applicable, prior to recording the final plat.**
- 6. That the discrepancy of acreage of the public park must be resolved by the applicant prior to the recordation of the final plat. Additional square footage is required to be added to the public park pursuant to the Project Plan document.**

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7. **That final construction drawings for the extension of the East Jordan Canal culvert be approved by the City Engineer prior the recordation of the final plat.**
8. **That the City requires written evidence from the Salt Lake County Flood Control District that a flood control permit has been issued for the discharges planned by the above referenced subdivision into the East Jordan Canal prior to the recordation of the final plat.**
9. **That for each building permit submittal, the City requires a certification in the form of a grading and drainage plan for each lot, stamped and certified by a professional engineer. This should be submitted with the site plan and building permit. No building permit shall be issued without this.**
10. **That after construction, before a certificate of occupancy is issued, the builder shall submit a certification by a Professional Civil Engineer that the lot was actually graded according to the initial engineered plan and that no construction has interfered with that plan.**
11. **That all street trees shall be installed in the park strips prior to the issuance of a certificate of occupancy for all dwellings in accordance with the approved Street Tree Plan and all park strip landscaping irrigation and maintenance is the responsibility of adjacent home owner or home owners association.**

Johnny Loumis, Jr., seconded the motion. Vote on the motion: Brandon Nielsen-Aye; Johnny Loumis, Jr.-Aye; Kory Luker-Aye; Connie Pavlakis-Aye. The motion passed unanimously.

8. City Council Report.

Commissioner Nielsen reported that he recently attended the open house at the Summit Academy K-8 Charter School. He found it to be a very impressive facility. Mayor Timothy stated that a great deal of thought goes into the construction of charter schools because funding is always tight. He reported that he will be hosting the Utah Conference of Mayors at the school and invited anyone interested in attending to take a tour of the school in conjunction with the meeting. He reported that the school is already at its enrollment capacity, with approximately 28% of the students coming from Bluffdale. Mayor Timothy confirmed that Bluffdale students were given preference in terms of enrollment. North Star Academy was identified as another outstanding charter school in Bluffdale.

Mayor Timothy stated that a production company from Austria visited the City earlier in the day. Representatives took a careful look at the City and were impressed by the openness, the homes, parks, trails, and proximity of the City to Salt Lake City. They also looked at the rodeo grounds and did a great deal of filming in the City.

The Mayor reported that the new Bluffdale Royalty was recently chosen. The concept of having a Miss Bluffdale was new to the production crew and Mayor Timothy was able to explain the purpose

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and value of City royalty. Commissioner Nielsen noted that Austria has many small towns, so they probably felt very comfortable in Bluffdale.

Mayor Timothy reported on a recent award banquet held for the Saratoga Springs Police Department where two Bluffdale officers were recognized and received awards.

9. Planning Commission Business (Planning Session for Upcoming Items, Follow Up, Etc.)

Mr. Crowell provided Commissioner Luker with a copy of the General Plan.

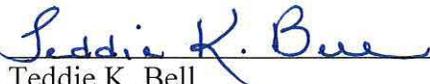
Discussion ensued on the A-5 property.

There was a brief discussion on land use training and the available resources.

10. Adjournment.

The Planning Commission Meeting adjourned at 8:16 p.m.

Gai Herbert,
Community Development Secretary



Teddie K. Bell
City Recorder

Approved: June 24, 2014