

**MINUTES OF A REGULAR PLEASANT VIEW CITY  
PLANNING COMMISSION MEETING HELD  
April 17<sup>th</sup>, 2025, at 6:00 P.M.**

[Planning Commission \(youtube.com\)](https://www.youtube.com/watch?v=7333333333)

**MEMBERS PRESENT**

Andy Nef  
Jeff Bolingbroke  
Sean Wilkinson  
David Gossner  
Manya Stolrow  
Chad Kotter  
Dean Stokes  
John Morris

Excused  
Julie Farr

**STAFF PRESENT**

Tammy Eveson, Planner I  
Janitza Osuna, Planner Tech

**VISITORS**

Rex Whitaker – Petitioner  
Jeff Lee – Petitioner  
Paul Pitcher- Petitioner

**MINUTES PREPARED BY:**

Janitza Osuna(with AI Assistance)

**MINUTES APPROVED:**

July 10<sup>th</sup>, 2025

**1) CALL TO ORDER**

- a. Pledge of Allegiance and Opening Prayer, Reading or Expression of Thought. (Commissioner Chad Kotter)
- b. Declaration of Conflicts of Interest. *NONE DECLARED*

**2) APPROVAL OF MINUTES**

- a. Review and consideration of the Planning Commission meeting minutes prepared for October 3, 2024; February 6, 2025; March 6, 2025
  - It was noted there were a few changes sent in by Commissioner Wilkinson and have been corrected on the final digital draft.

**MOTION**

*A motion to **APPROVE** was made by commissioner **WILKINSON***

*The motion was **SECONDED** by Commissioner **KOTTER***

*Vote was **Unanimous***

**3) ADMINISTRATIVE ITEMS**

- a. Vacate Public Utility Easement- Consideration to vacate a public utility easement for the property located at 3581 North 500 West. (Presenter: Tammy Eveson)
  - It was noted that the petitioner has followed the required process and has contacted all public utility providers listed on our required notification list. They have received letters of release from each of those entities. Based on this, staff recommends approval of the easement vacation.
  - The petitioner was asked if there was anything they would like to add to the staff presentation.

- The petitioner did not wish to add anything further.

**MOTION**

A motion to **APPROVE** was made by commissioner **STOKES**

The motion was **SECONDED** by Commissioner **BOLINGBROKE**

Vote was **Unanimous**

- b. Site Plan for Commercial – Consideration of a Site Plan for a permitted temporary commercial use located at approximately 2367 N Highway 89. (*Presenter: Tammy Eveson*)

Petitioner Rex Whitaker was asked to take the floor. He was asked if there was anything he wanted to add to the presentation. He declined to add anything to the presentation from staff and commented that staff did a great job presenting.

Commissioner Nef had a clarification question. In the drawing submitted it looks like there is a corner that looks like it is overlapping the property line of the adjacent building. The petitioner mentioned that at one time the property was moved to the west. The commissioner just wanted to ensure there are no outstanding issues or anything that needs to be reviewed before proceeding.

There was a question by a commissioner about the in-and-out access. He mentions that in the drawing it looks like its one large continuous opening. The petitioner clarifies that the property actually has a double-shared driveway on the north side as well as a separate south driveway.

A question was raised regarding the seasonal nature of the use. The petitioner confirmed that the property will primarily be occupied during the summer months and will likely remain vacant in the winter. Given the nature of the business—dealing with bark and related materials—operations are expected to be seasonal. The petitioner confirmed that all bark and material will be stored within cubicles made from concrete blocks only, with no poured footings or permanent foundations. These blocks will be set directly on the existing surface. Regarding surfacing, the petitioner stated that only the area where the bins are located will be asphalted. The remainder of the site will remain as dirt and road base, which is already in place. They also noted that since recent improvements were made, the site is no longer retaining water, which was a prior concern. When asked if there would be any storage of vehicles or similar items during the off-season, the petitioner clarified that there would not be. A question was raised regarding the nature of the temporary use—specifically, whether it would recur annually for a limited period or if the petitioner would need to reapply each year. It was confirmed that a temporary license would need to be applied for on an annual basis.

Further clarification was requested about the presence of employees and structures on site. The petitioner stated there would be no employees on site, and no permanent structures, aside from concrete bins used to hold materials.

The petitioner expressed interest in placing a temporary office trailer on wheels on the property. However, there was some confusion and discussion about what would be permitted. It was noted that permanent structures are not allowed. Further clarification on this point may be needed.

**MOTION**

A motion to **Approve with Conditions** was made by commissioner **STOKES**

The motion was **SECONDED** by Commissioner **GOSSNER**

Vote was **Unanimous**

**NOTE:** There was a condition that any proposed temporary office space be reviewed by staff to ensure compliance with city ordinances.

**4) LEGISLATIVE ITEMS AND RECOMMENDATIONS FOR CITY COUNCIL**

- a. **Public Hearing: General Plan Amendment** – Consideration of a General Plan Amendment to modify the Future Land Use Map and the designation of approximately .29 acres of land, located at 624 West Fox Meadows Drive, from Planned Commercial to Medium Density Residential. (*Presenter: Tammy Eveson*)

Commissioner Stokes mentioned that when the northern parcel was previously approved, it was understood to be necessary for providing parking to support the commercial use across the street. The idea was that if a restaurant or other high-parking-volume business were to occupy the commercial site, the two parcels would function in tandem to meet parking requirements.

There was agreement that the northern parcel was not intended for residential development, likely for that very reason.

Additionally, it was mentioned that the curved property line leading into the cul-de-sac was likely designed to meet UDOT setback requirements from the corner, rather than for aesthetic or design symmetry.

A question was raised regarding Section 3.1 of the development agreement, which states that the 1.559-acre parcel (as described in the exhibit) would remain in the existing RE-20 zone until a future land use application and city council action initiated a change. It was observed that the development agreement anticipated a future rezoning request by the property owner, but it appears that the rezoning to commercial has already occurred. Clarification was requested regarding:

- When the rezoning occurred
- Whether it was initiated by the city or the property owner
- The time frame between the development agreement and the actual rezoning

The purpose of the inquiry was to better understand the sequence of events and intent behind the zoning change, especially since the language of the agreement suggested that rezoning would be a future step.

### *Petitioner*

A representative of the Homeowners Association (HOA) expressed the community's desire to see the vacant parcel improved in a way that is aesthetically consistent with the surrounding neighborhood. The current state of the property—described as a weed patch—has been a long-standing concern for residents.

The HOA supports a proposal that would:

- Improve the visual appearance of the lot
- Generate revenue for the city through monthly payments by a future resident
- Ensure compatibility with the existing Fox Meadows community

While the parcel includes a narrow strip extending eastward, the main buildable area totals approximately 12,400 square feet, which the HOA believes is sufficient for a residential home that meets city setback requirements. Any development would be similar in character and scale to neighboring homes in Fox Meadows.

There was a question about who would be responsible for that narrow piece to the east. It was confirmed that whoever purchased that lot would be responsible of taking care of that narrow piece as well.

A question was raised about the original ownership of the two parcels. It was confirmed that both pieces were originally owned by the same developer who still owns the lower portion. The upper portion was later transferred to the HOA via a quitclaim deed, giving them ownership of that section.

Commissioners then revisited the broader history of the area's development. Several members recalled that the entire corridor along 2700 was originally intended to remain commercial per the city's General Plan. The decision to allow residential development had previously generated significant concern from the commission, city council, and residents, as it was seen as compromising a key commercial corridor. As part of a compromise, the Planning Commission had pushed to retain a portion of the area for commercial development, particularly near a potential future signalized intersection. This led to the expectation that, even if parcels became separately owned, collaboration between owners could still allow for cohesive commercial use in the future. It was emphasized that preserving a commercial presence in this corridor remains a priority for long-term city planning.

There was a question regarding the access point.

### **MOTION TO *OPEN* FOR PUBLIC HEARING BY COMMISSIONER KOTTER SECONDED BY COMMISSIONER BOLINGBROKE**

#### **PUBLIC COMMENTS:**

Sara Urry - A city council member, reflected on the historical discussion regarding the development of the parcel. They remember that the parcel was expanded up to the S-curve primarily to make the lot more usable. When the development was first proposed, the city did not yet have a patio home zoning designation, which led to strong opposition from residents.

Despite the initial resistance, the development has since turned out to be a successful and attractive residential area. However, it was emphasized that the area was originally intended to remain commercial. This plan was discussed under the leadership of then-Mayor Toby Mileski and with the involvement of developers Bruce Parker and Mark Miller, operating under Triterra West. As part of the approval process, a concession was made to retain the corner as commercial, which helped some residents feel more comfortable with the proposal. That agreement was eventually formalized in the development agreement, which specified that the corner would remain designated for commercial use.

Regarding the upper portion of the property, it was recalled that the top section became part of the project layout largely due to the site's configuration; there was little opportunity to make the development viable without extending the road up and around in the current layout. One commissioner noted that they did not recall much about a parking lot or specific UDOT-related discussions at that time, as most of the focus had been on the lower portion of the development and the retention of commercial zoning. The timeline for this history places the bulk of discussion around 2015 to 2017, with the development agreement officially signed in 2017 and the current layout taking shape in the years following. The overall timeframe for the project is estimated to be approximately 9 to 10 years.

A commissioner inquired whether there had been any commercial interest in the property during that time. There is a response that while there have been private inquiries made to the property owner, there have been no formal applications submitted to the city, and the landowner had previously declined to sell. However, it was noted during the meeting that the southern portion of the property now appears to be listed for sale.

A commissioner sought clarification regarding the medium density residential designation mentioned on page two of the application, particularly the statement about "buildings located along the west side of US-89 to the rail lines, south of 2550 North and north of the city limits," which was identified as confusing. Staff clarified that the language is part of the General Plan and serves as a guiding description, not a strict code requirement. It was also noted that the language could be more clearly worded.

**MOTION TO CLOSE PUBLIC HEARING BY COMMISSIONER STOKES  
SECONDED BY COMMISSIONER KOTTER**

There was some commissioner discussion and opinions on what they think would work on that lot.

**MOTION**

*A motion to **Recommend Denial** was made by commissioner **BOLINGBROKE***

*The motion was **SECONDED** by Commissioner **STOLROW***

***Vote was 6-2** (Commissioner Wilkinson and Kotter were the Nays)*

**NOTE:** *It was noted that this was a conditional denial based on what goes in on the parcel across the way.*

- b. **Public Hearing: Rezone from CP-1 to LSFR** - Consideration of a rezone for approximately .29 acres of land, located at 624 West Fox Meadows Drive, from Planned Commercial (CP-1) to

Medium Density Residential (LSFR – Limited Single Family Residential). (*Presenter: Tammy Eveson*)

***NOTE: This was the second item to a two part request and would only be relevant if the first item received a recommendation of approval. The first item was recommended for denial.***

- c. ***Public Hearing: Rezone from A-2 and RE-20 to A-2 and LSFR*** - Consideration of a rezone for 6.31 acres of land located at approximately 475 West Pleasant View Drive from Agricultural (A-2) and Very Low Density (RE-20) to Agricultural (A-2) and Medium Density Residential (LSFR). (*Presenter: Tammy Eveson*)

It was noted by the planner, Tammy Eveson, that a few public comments and messages had been received regarding the proposed development project. These messages were distributed to all members of the commission for review prior to the discussion. One of the primary concerns raised by a member of the public involved clarification about what exactly was being proposed for the site in question. In response, there was a brief exchange to address these concerns, including discussion about the number of potential lots that might be created and the general scope of development or construction activities planned. Tammy also mentioned that the lots proposed in the developer's concept plan meet the required square footage and frontage standards. Further details related to lot configuration and development will be addressed during the subdivision phase of the project. The latest concept plan submitted by the developer included a revised lot arrangement, which shifted some lots on the west side beyond the previously designated zoning boundary. This adjustment will require clarification. However, aside from that issue, staff have reviewed the updated plan and confirmed that it meets the requirements of the newly approved zoning designation and the recent general plan amendment.

Staff recommended approval of the zoning request, contingent upon adjusting the location of the proposed lots in the concept plan to align with zoning boundaries. These adjustments, along with other details, will be addressed during the subdivision phase of the development process.

During the discussion, it was noted that the concept plan currently under review shows a configuration that is inconsistent with what was previously approved by the City Council. Specifically, the lots have been extended beyond the area originally designated in the legal description approved during the rezoning process.

#### ***Petitioner***

Jeff Lee – The petitioner expressed concern regarding potential conflict of interest involving a planning commission member, Jeff Bolingbroke, stating that he had previously made an offer on the property in question and may have a vested interest in the project. He noted that commissioner Bolingbroke lives adjacent to the proposed development and has actively opposed the project, including allegedly sharing misinformation with the surrounding neighborhood. While affirming personal respect, the petitioner felt that Commissioner Bolingbroke should have recused himself from deliberations on the matter.

The petitioner also expressed frustration over the financial impact of delays, stating that early opposition had already resulted in approximately \$200,000 in additional interest costs. They questioned whether the city provided proper public notice prior to zoning changes and explained that compromises had been made with city staff following the denial of the original RE-5 zoning request. In order to meet financial viability and make the development work under the newly approved limited single-family residential zoning, the developer stated that additional land had to be included to achieve a total of 13 lots, which were necessary for the project's feasibility.

The petitioner clarified that the parcel of land connecting to Pleasant View Drive was sold, meaning they no longer have control over the connection through that area. However, he confirmed that the interested party (presumably a neighboring developer) requested the current layout, rather than a subdivision design, to allow for future development. The developer agreed to leave the land in its current state—designated as a "flat stop"—to eventually facilitate a connection that would allow for continued development.

The petitioner wanted to make sure that it was noted that a formal request was made for Jeff Bolingbroke to recuse himself from the discussion. It was noted that Commissioner Bolingbroke had previously declared that he resides in the area and had made a declaration of no financial interest in the matter. The issue of conflict was acknowledged, and it was emphasized that the situation would be handled transparently going forward.

A question was raised regarding the process used to designate the zoning boundary for the area in question. The speaker inquired whether the designation was reviewed by the Planning Commission, Development Review Committee (DRC), or City Council, and sought clarification on who was responsible for drawing the boundary lines. In response, it was explained that the boundary was based on a previous plat or land use document. Staff clarified that the zoning ordinance, including the boundary designation, was drafted and then formally presented to and approved by the City Council as part of the legislative process.

It was clarified during the meeting that the body was not voting to approve the concept plan, the number of lots, or any development specifics. The only item under consideration was the petition for a rezoning of the property. As long as the proposed development complies with the approved zoning boundary and legal description, the rezoning may move forward.

**MOTION TO *OPEN* FOR PUBLIC HEARING BY COMMISSIONER STOKES  
*SECONDED* BY COMMISSIONER BOLINGBROKE**

**PUBLIC COMMENTS:**

Jeff Lee - expressed personal frustration related to ongoing challenges with the project but also emphasized continued respect for those involved in the discussion. The conversation turned to previous concerns raised about water, springs, and drainage on the site. It was confirmed that such issues will be addressed during the subdivision process. Geotechnical assessments have been completed, and the developer stated that the plan would likely involve building up the

base of the structures to accommodate groundwater conditions. An oversized detention basin is included in the plan to manage stormwater and allow for future growth. Water present on the site will be rerouted as part of the finalized engineering design.

**MOTION TO CLOSE PUBLIC HEARING BY COMMISSIONER BOLINGBROKE  
SECONDED BY COMMISSIONER KOTTER**

A question was raised regarding the hammerhead turnaround design proposed at the end of the road. It was confirmed that the design complies with the city's Public Works standards and has been reviewed and approved by both the Development Review Committee (DRC) and the fire marshal.

**MOTION**

*A motion to **Recommend Approval with conditions** was made by commissioner **WILKINSON***

❖ Clarification Prior to Motion Second:

Before the motion was seconded, it was acknowledged for the record that the concept plan presented during the meeting is not part of the approval. The discussion and recommendation pertain solely to the rezoning request, and not to the subdivision layout, lot count, or any other development details shown in the concept plan.

*The motion was **seconded** by Commissioner **STOKES***

***Vote was Unanimous***

**NOTE:** *The recommendation was made with the stipulation that the rezone must conform to the legal description included in the ordinance previously approved by the City Council for this property.*

## 5) OTHER BUSINESS

- Commission members were reminded of upcoming meeting dates, including the next scheduled meeting on May 1<sup>st</sup>.
- A commissioner raised a question regarding whether a minimum size requirement had been established for developments in the LSFR (Limited Single-Family Residential) zone. Staff responded that, after reviewing recordings of both the Planning Commission and City Council meetings, there was brief discussion during a Planning Commission meeting about potentially establishing a minimum development size. However, no such requirement was formally adopted. It was ultimately decided to leave the zone flexible, allowing it to be used in smaller or irregularly shaped areas as needed.
- A commissioner expressed concern about the potential for spot zoning and the possibility of small developments using the LSFR zone in ways that may not be consistent with surrounding neighborhoods. The discussion raised the question of whether the LSFR zone should include a minimum parcel size, such as two or three acres, to avoid unintended use on lots less than one acre.



- There was general agreement that further discussion was warranted. A recommendation was made for staff to research practices in other cities and bring back options for establishing minimum and maximum size guidelines for the LSFR zone. This would be added to a future agenda for further deliberation.

**6) ADJOURNMENT**

The meeting was adjourned with no further items discussed.