

CITY OF OREM
PLANNING COMMISSION MEETING MINUTES
APRIL 22, 2015

The following items are discussed in these minutes:

- STARBUCKS 8TH & STATE – APPROVED**
- VILLA D’ESTE, PHASE I AMD – APPROVED**
- CENTERPOINT CHURCH – APPROVED**
- SOUTH POINTE CONDOMINIUMS – APPROVED**
- LEGACY RIDGE – APPROVED**
- POELMAN CUP – RECOMMENDED APPROVAL**
- MILLER PARK CONDOMINIUMS – APPROVED**
- PRD ZONES – RECOMMENDED APPROVAL**
- BYU STUDENT PRESENTATION – STATE STREET INVENTORY & FOOD TRUCKS**

STUDY SESSION

PLACE – Orem City Main Conference Room

At 3:30 p.m. Chair Moulton called the Study Session to order.

Those present: Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten, Planning Commission members; David R. Stroud, City, Planner; Clinton Spencer, GIS Planner; Brandon Stocksdale, Planner; Sam Kelly, City Engineer; Cliff Peterson, Private Development Engineer; Paul Goodrich, Transportation Engineer; Steve Earl, Legal Counsel; David Spencer, City Council Liaison and Loriann Merritt, Minutes Secretary

Those excused: Becky Buxton, Planning Commission member; Bill D. Bell, Development Services Director; Jason W. Bench, Planning Director

The Commission and staff briefly reviewed agenda items and minutes from April 1, 2014 meeting and adjourned at 4:25 p.m. to the City Council Chambers for the regular meeting.

REGULAR MEETING

PLACE - Orem City Council Chambers

At 4:30 p.m. Chair Moulton called the Planning Commission meeting to order and asked Michael Walker, Planning Commission member, to offer the invocation.

Those present: Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten, Planning Commission members; David R. Stroud, City, Planner; Clinton Spencer, GIS Planner; Brandon Stocksdale, Planner; Sam Kelly, City Engineer; Paul Goodrich, Transportation Engineer; Steve Earl, Legal Counsel; David Spencer, City Council Liaison and Loriann Merritt, Minutes Secretary

Those excused: Becky Buxton, Planning Commission member; Bill D. Bell, Development Services Director; Jason W. Bench, Planning Director

Chair Moulton introduced **AGENDA ITEM 3.1** as follows:

AGENDA ITEM 3.1 is a request by SCM Solutions LLC to approve the site plan of **STARBUCKS** at 800 North Street in the C2 zone.

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Staff Presentation: Clinton



Spencer said that currently the property is part of the Macey’s grocery store parking lot. The applicant proposes to construct a new Starbucks restaurant along the State Street frontage side of the existing parking lot which is leased from the Woodbury Corporation.

The proposed building will include 2,000 square feet. The building is twenty (20) feet tall at its highest point and will be finished with stucco, wood and concrete block. A drive up window is located along the State Street frontage.

As per code requirements for restaurants, one (1) parking space is required per three occupants.

According to the applicant the occupancy for this building is 59, which requires a total of 20 stalls. However, where the applicant is removing stalls from the Macey’s shopping center it must be determined that there is a surplus of parking for the entire complex. Based on a study conducted by staff, the Macey’s complex, including the existing Arby’s (based on 49 occupants), and the newly proposed Starbucks will require a total of 367 stalls. With the Starbucks being built there are 368 stalls to serve the Macey’s complex. Three new (3) bicycle stalls are also provided with the Starbucks addition. No fencing is required or proposed.

A twenty (20) foot wide landscape strip will be maintained along the State Street frontage measured from the back of the existing sidewalk and an additional two (2) trees will be planted. Another landscaped island will be located east of the proposed building. The proposed landscaping plan complies with all ordinance requirements. The location of the dumpster is on the eastern side of the site and is enclosed as per code requirements.

Recommendation: Based on compliance with the ordinance, staff recommends the Planning Commission approve the site plan for Starbucks at 800 North State Street in the C2 zone.

Chair Moulton asked if the Planning Commission had any questions for Mr. Spencer.

Mr. Walker said the driveway on the south is not a great location.

Chair Moulton asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Mr. Whetten said he is satisfied that the Planning Commission has found this request complies with all applicable City codes. He then moved to approve the site plan of Starbucks at 850 North State Street. Vice Chair Iglesias seconded the motion. Those voting aye: Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.2** as follows:

AGENDA ITEM 3.2 is a request by Bruce Dickerson to vacate Phase 1 of Villa D’Este Condominiums and approve the final plat of **VILLA D’ESTE CONDOMINIUMS PHASE 1 AMENDED** at 1250 West 950 North in the PD-22 zone.

Staff Presentation: Clinton Spencer said the subject property currently is under construction. The subdivision plat for Villa D’este Phase 1, which included one (1) building, was approved by the Planning Commission on January 7, 2015. The proposed Phase 1 Amended plat updates and corrects the addresses that were recorded on the previous plat. No other changes are proposed.

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Recommendation: Based on the compliance with all applicable City codes staff recommends the Planning Commission vacate Phase 1 of Villa D’Este Subdivision and approve the final plat of Villa D’Este Subdivision Phase 1 Amended at 1250 West 950 North in the PD-22 zone.



Chair Moulton asked if the Planning Commission had any questions for Mr. Spencer.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Mr. Walker said he has found that neither the public nor any person will be materially injured by vacating Phase 1 of Villa D’Este Condominiums, and that there is good cause for the vacation. He then moved to:

1. Vacate Phase 1 of Villa D’Este Condominiums, and
2. Approve Phase 1 Amended with 20 units at 1250 West 950 North in the PD-22 zone.

Ms. Larsen seconded the motion. Those voting aye: Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.3** as follows:

AGENDA ITEM 3.3 is a request by Larry Finch to approve the site plan of **CENTERPOINT CHURCH** at 1550 South Sandhill Road in the HS zone.

Staff Presentation: David Stroud said the Centerpoint Church has owned the subject ground for several years and received site plan approval to construct a church facility in the HS zone through an appeal to the City Council of a Planning Commission site plan denial. The site plan approved on appeal expired in 2011. The first approved site plan consisted of several tension membrane structures. Subsequent to site plan approval the code was amended in 2010 to only permit tension membrane structures in the M1 and M2 zone.



The applicant proposes to construct a concrete building with a height of 36 feet to house the chapel and other facilities such as a gym and classrooms. The Planning Commission may approve a building that utilizes other materials besides textured block, glass, stucco, and wood. The proposed building is proposed to be constructed from concrete tilt up panels. The former Home Base building is constructed with similar materials. In determining whether or not a particular finishing material is acceptable, the Planning Commission shall consider the following factors:

1. The visibility of the site from I-15 and neighboring residential uses.
2. The degree to which the proposed finishing materials are compatible with the appearance of neighboring residential uses.
3. The location of the proposed finishing materials on the building.
4. The degree to which a particular finishing material may be shielded by landscaping or some other feature.

The location of the proposed building is adjacent I-15, Stevens-Henager College and Sandhill Road. There are two houses directly east and across Sandhill Road from the church site and will be at least 200 feet away. Very few residential uses are within close proximity to the church. Landscaping will be provided on site which will buffer the building by trees planted in the park strip between the sidewalk and curb as well

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as trees planted between the building and sidewalk. Landscaping will continue along the Sandhill Road frontage and also the end islands within the parking lot.

Parking for church facilities is determined to be one stall for every four fixed seats. The chapel area of the building has 600 seats which require 150 parking stalls which have been provided. The proposed parking lot does not occupy all the property to the south of the building. If additional parking is needed, there is space to add parking stalls. However, a business permitted in the HS zone can also be located on the remainder of the property. To mitigate traffic impact of cars accessing or leaving the site, a second access will also be constructed on the south half of the property.

Mr. Stroud noted that there is a potential of having a billboard on this property, however, the sign company are still in discussions with the Centerpoint Church.

A neighborhood meeting was held on March 24, 2015, with no neighbors in attendance.

Recommendation: The Development Review Committee has determined this request complies with all applicable City Codes. The Project Coordinator recommends the Planning Commission approve the site plan of Centerpoint Church at 1550 South Sandhill Road in the HS zone.

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Mr. Whetten asked if the church can advertise on the proposed billboard, if it is built. Mr. Stroud said they could, but the billboard and the church still need to sign an agreement.

Mr. Whetten then asked about the fencing along the freeway. Mr. Stroud said fencing is not required with this application. There is a chain link fence along the freeway that was constructed by UDOT.

Chair Moulton asked if an agreement with the billboard company will it affect this site plan. Mr. Stroud said no.

Chair Moulton invited the applicants to come forward. Scott McKinney, Centerpoint Church; and Larry Finch, Fincon Construction introduced themselves.

Mr. McKinney said there will be no agreement for a sign.

Mr. Finch indicated that concrete tilt-up is durable and looks good. It will be painted dark grey, white and light grey. Vice Chair Iglesias asked if there is any texture applied to the panels. Mr. McKinney said there are reveal strips which will look very nice. Vice Chair Iglesias then asked if there will be any holes for design. Mr. Finch said there would not be any holes, but the three tone paint will give it a nice look.

Vice Chair Iglesias asked if there was an existing project anywhere that could be accessed by the internet. He wanted to see what the tilt-up looks like. Mr. Whetten noted that this is visible from the freeway and the Planning Commission needs to make sure that it looks nice.

The Planning Commission expressed concern about approving the material without any kind of visual. Mr. McKinney asked the Planning Commission to move this item to the end, in order to allow him the time to go to the office and get the model.

Chair Moulton introduced **AGENDA ITEM 3.4** as follows:

AGENDA ITEM 3.4 is a request by Jay Henrie to vacate South Pointe Subdivision, Plat A and approve the final plat of **SOUTH POINTE CONDOMINIUM SUBDIVISION** at 1700 South Sandhill Road in the PRD zone.

Staff Presentation: Mr. Stroud said South Pointe was approved in June 2014. At that time approval was granted to construct units which would function as apartments since they were contained on single parcel with one owner. The owner now wants the ability to sell each unit individually. To achieve this, a

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condominium plat must be approved and recorded to describe each unit with a separate legal description. The proposed plat accomplishes this objective.

Recommendation: The Development Review Committee has determined this request complies with all applicable City Codes. The Project Coordinator recommends the Planning Commission vacate South Pointe Subdivision and approve the final plat of South Pointe Condominiums at 1700 South Sandhill Road in the PRD zone.



Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Ms. Jeffreys said she has found that neither the public nor any person will be materially injured by vacating South Pointe Subdivision, Plat A, and that there is good cause for the vacation. She then moved to:

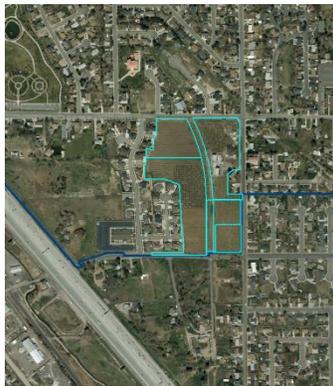
1. Vacate South Pointe Subdivision, Plat A; and
2. Approve South Pointe Condominiums with 30 units at 1700 South Sandhill Road.

Ms. Larsen seconded the motion. Those voting aye: Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.5** as follows:

AGENDA ITEM 3.5 is a request by John Higgins to approve the preliminary plat of **LEGACY RIDGE SUBDIVISION** at 2000 South Main Street in the R8 zone.

Staff Presentation: The subject property was once part of the Legacy at Ercanbrack Development but was never completed with a final plat. A new developer has now contracted to purchase the property and proposes to develop 61 single family lots ranging from 9,545 square feet to 18,154 with an average size of 12,043 square feet. The perimeter of the project adjacent to the public right-of-way will be enclosed with a masonry fence, similar to what has been installed in the Legacy at Ercanbrack subdivision. The development will be completed in three phases.



Recommendation: The Development Review Committee has determined this request complies with all applicable City Codes. The Project Coordinator recommends the Planning Commission approve the preliminary plat of Legacy Ridge Subdivision at 2000 South Main Street in the R8 zone.

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Mr. Whetten asked about the phasing plan. Mr. Stroud said the area adjacent to the existing Ercanbrack development is Phase 1, the southeast area is the second phase, and the northeast area is the third and final phase.

Mr. Walker noted that this development matches the homes around it.

Chair Moulton said he is happy to see single family homes instead of apartments.

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Chair Moulton asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Ms. Larsen said she is satisfied that the Planning Commission has found this request complies with all applicable City codes. She then moved to approve the preliminary plat of Legacy Ridge with 61 lots at 2000 South Main Street. Chair Moulton seconded the motion. Those voting aye: Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.6** as follows:

AGENDA ITEM 3.6 is a request by Jerry Anderson to recommend the City Council approve the **CONDITIONAL USE PERMIT OF RYAN POELMAN** at 1353 South 1140 East in the PD-18 zone.

Staff Presentation: The applicant owns a lot in The Berkshires Subdivision and is in the process of receiving building permit approval to construct his home. He also desires an accessory structure to house an indoor tennis court. The Code pertaining to accessory structures in the PD-18 zone requires a conditional use permit if the structure is over 1,000 square feet and/or greater than 24 feet high. The proposed building exceeds both.



The proposed structure will be located between the applicant’s house and Riverside Country Club. It has an approximate footprint of 7,500 square feet and a height of 35 feet, the maximum permitted for an accessory structure. A minimum setback to the side and rear property lines is five feet whereas the applicant proposes 43 feet and 28 feet, respectively.

Recommendation: The Development Review Committee has determined this request complies with all applicable City Codes. The Project Coordinator recommends the Planning Commission forward a positive recommendation to the City Council concerning the request to approve a conditional use permit to construct a 7,500 square foot accessory building at 1353 South 1140 East in the PD-18 zone.

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Chair Moulton asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Ms. Jeffreys said she is satisfied that the Planning Commission has found this request complies with all applicable City codes. She then moved to recommend the City Council approve the conditional use permit of Ryan Poelman at 1353 South 1140 East. Vice Chair Iglesias seconded the motion. Those voting aye: Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.7** as follows:

AGENDA ITEM 3.7 is a request by Brant Tuttle to vacate Miller Park Condominiums Unit 3 and approve the final plat of **MILLER PARK CONDOMINIUMS, PLAT B** at 1420 West 130 South in the M2 zone.

Staff Presentation: Mr. Stroud said the subject property was approved with three commercial condominium units several years ago. On the original plat, Unit 3 is designated as “convertible space” meaning it is subject to division in the future. When the initial improvements were installed with the building, the improvements to service a fourth unit were installed at that time. When a condominium unit is labeled as convertible space, it does not require the approval of the other condominium owners to divide the unit. In this case, if there are separate owners of Unit 1 and Unit 2, they do not have to agree to the

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splitting of Unit 3 nor do they sign the subdivision plat. Unit 3 will be 5,019 square feet and Unit 4 will be 6,321 square feet.

Recommendation: The Development Review Committee has determined this request complies with all applicable City Codes. The Project Coordinator recommends the Planning Commission vacate Unit 3 of Miller Park Condominiums and approve the final plat of Miller Park Condominiums Plat B at 1420 West 130 South in the M2 zone.



Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Vice Chair Iglesias said he has found that neither the public nor any person will be materially injured by vacating Miller Park Condominiums, Unit 3, and that there is good cause for the vacation. He then moved to:

1. Vacate Miller Park Condominiums, Unit3; and
2. Approve the final plat of Miller Park Condominiums, Plat B with two units at 1420 West 130 South.

Mr. Whetten seconded the motion. Those voting aye: Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.8** as follows:

AGENDA ITEM 3.8 is a request by Development Services to amend **ARTICLE 22-7-4 OF THE OREM CITY CODE AS IT RELATES TO THE PRD ZONE REQUIREMENTS.**

Staff Presentation: Mr. Stroud said that currently the PRD ordinance allows property between 1200 West and I-15 and property between Sandhill Road and I-15 to be rezoned to the PRD zone which allows a higher density than allowed in other areas of the City. The proposed ordinance amendment would eliminate the option to rezone properties to the PRD zone in the affected areas in an effort to maintain property along I-15 frontage as commercial. By amending the PRD zone as proposed, none of the existing developments zoned PRD become legal-nonconforming, meaning that they could make changes to their buildings and sites as long as they comply with the regulations of the PRD zone. The ability to locate new PRD zones in the above mentioned areas would be eliminated.

The following is a statement from the City’s Department of Economic Development pertaining to this proposal:

“Throughout north Utah County we continue to see businesses and developers construct Class A Office and Industrial Flex space along Interstate-15. Many businesses want exposure to the freeway and the thousands of vehicles that utilize the corridor each day. Orem’s freeway frontage is underutilized in many areas. Redevelopment and new development opportunities for the before mentioned uses are available. By restricting residential uses in these locations, the city can preserve areas with high freeway exposure for new business development that can provide new jobs and boost the city’s economy.”

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In a study conducted by city staff, there are approximately 170 acres between Sandhill Road/ 1200 West and I-15. Of this, approximately sixty eight (68) percent remain commercial (116 acres). The vacant commercial property in these areas total twenty (20) acres, which is about twelve (12) percent of the overall acreage. By not allowing PRD’s to locate in these areas the existing commercial zoning will be preserved and serve the commercial needs that exist and are anticipated along I-15.

General Plan: The Orem General Plan designation for the areas in question is Regional Commercial, except for an area at approximately 1400 North 1200 West which has already been developed as high density condominium units. The General Plan for Regional Commercial states, “the primary use of the land is for commercial and service uses to serve the needs of people living in an entire region and to serve as a place of employment in pleasant surrounding close to the center of the regional population it is intended to serve.” By not allowing PRD’s to encroach into the remaining commercial property mentioned above the requirements of the General Plan are met.

After reviewing the proposed amendment, staff has listed some advantages and disadvantages in respect to the proposal.

Advantages of the Proposal:

- Preserves highly visible commercial property for commercial uses
- Allows existing PRD’s to remain without being considered legal-nonconforming
- Economic development potential along I-15 for commercial developments will increase the city’s economy

Disadvantages of the Proposal:

- None determined

Recommendation: Based on the advantages outlined above staff recommends the Planning Commission forward a positive recommendation to the City Council to amend Article 22-7-4 of the Orem City Code as it relates to PRD zone requirements as outlined.

Chair Moulton asked if the Planning Commission had any questions for Mr. Spencer.

Mr. Whetten asked if someone brought in a proposal for a PRD, could it be denied. Mr. Spencer said yes, he added there is commercial interest in these properties.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Mr. Whetten said he is satisfied that the Planning Commission has found this request complies with all applicable City codes. He then moved to recommend the City Council amend Article 22-7-4 of the Orem City Code as it relates to PRD zone requirements. Vice Chair Iglesias seconded the motion. Those voting aye: Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.9** as follows:

AGENDA ITEM 3.9 is a presentation by BYU’s Geography 410 Urban Planning Class, Michael Clay, professor concerning **STATE STREET INVENTORY PROJECT AND FOOD TRUCKS**.

Staff Presentation: Katherine Morrell, Alexander Barton and Taylor Billings presented the State Street Inventory Project. They stated their intent for the project was to:

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1. Inventory the existing businesses; and
2. Create a database of the businesses on State Street including:
 - a. Business address
 - b. Business name
 - c. Land Use (SLU code)
 - d. Zoning designation
 - e. General Plan designation
 - f. Vacancy
 - g. Parking lot condition
 - h. Building condition

The students inventoried the businesses along State Street. They worked with block maps and walked State Street in order to verify addresses along State Street. They had experience collecting data and interested with businesses and community members.

Karen Jeffreys and Derek Whetten left the meeting 5:40 p.m.

Leah Cardon, Elais Flores and Erik Watkins presented the Food Truck Ordinance. They stated their goals are:

1. To bring food trucks to Orem, and
2. Outline basic regulations to minimize nuisance.

The process was to compare other cities, look at potential sites and present a draft ordinance. Some of the cities they compared ordinances to were: Provo, Utah; Lehi, Utah; Salt Lake City, Utah; Logan, Utah; Orange, California; Portland, Oregon. The students found that Logan’s ordinance was very food truck friendly. The students identified different sites around Orem that are or would be good for food trucks. They presented a draft ordinance. The draft included:

1. Boundaries
2. Operating Hours
3. Noise controls
4. Requirements for groups of trucks; and
5. Signage

The students said the feedback was positive for food trucks.

Chair Moulton asked the applicant for **CENTER POINT CHURCH** to come forward.

Mr. McKinney presented the model to the Planning Commission.

Mr. Walker asked if all surfaces will be painted. Mr. Finch said yes. He indicated there is a 15 year warranty on the paint and is good quality. It will be painted after the walls are installed.

Chair Moulton asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Ms. Larsen said she is satisfied that the Planning Commission has found this request complies with all applicable City codes. She then moved to approve the site plan of Centerpoint Church at 1550 South Sandhill Road. Mr. Walker seconded the motion. Those voting aye: Carlos Iglesias, Lynnette Larsen, David Moulton, and Michael Walker. The motion passed unanimously.

MINUTES: The Planning Commission reviewed the minutes from the previous meeting. Chair Moulton then called moved to approve the meeting minutes for April 1, 2015 as corrected. Mr. Walker seconded the motion. Those voting aye: Carlos Iglesias, Lynnette Larsen, David Moulton, and Michael Walker. The motion passed unanimously.

ADJOURN

Chair Moulton called for a motion to adjourn. Mr. Stroud moved to adjourn. Vice Chair Iglesias seconded the motion. Those voting aye: Carlos Iglesias, Lynnette Larsen, David Moulton, and Michael Walker a. The motion passed unanimously.

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Adjourn: 5:48 p.m.

Jason Bench
Planning Commission Secretary

Approved: