

Planning Commission Meeting

Minutes of Morgan City Planning Commission GENERAL meeting held in open public session on June 16th, 2015 at 7:00 p.m., in the Council/Court Room in the City Office at 90 West Young Street.

MINUTES

JUNE 16TH, 2015

7:00 PM

MORGAN CITY COUNCIL ROOM

MEETING CALLED BY	Doug Garfield
MEMBERS	Jim Brown, Ernie Durrant, Dave Carter, Robert Lynam, Julie Anderson, David Griffith, and Nathan McClellan.
EXCUSED	
CITY STAFF	Steve Garside, City Planner; Tony London, Council Member; Ray Little, Mayor; Mark Schmid, Building Official.
OTHERS PRESENT	Neil Carrigan, Sally Jensen, Linda Smith, Bradlee Walters, Schery Walters, Sam McCurdy, Mark Thayne, Danny Wall, Nanette Nelson, Brady Nelson, Arlene Christensen, Julie Preece, Brooke Murdock, Karen Skinner, Ron Skinner, Alisa Hardman, Chanelle Jones, Dave Jones, Joe Bohman, Randi Bohman, Brent Ward, Rebecca Ward, Kristi Gilbert, Jacob Welker, Julie Williams, Jen Hatt, Travis Bailey, Blake Gilbert, Kristina Morley, Codi Weaver, and Scott Jensen.
INTRODUCTION	Chair Doug Garfield called the meeting to order at 6:00 p.m.

WORK SESSION

	<p><u>Public Hearing-Amending Ordinance 10-10-8: Screening, Fence Requirements; Permit Clear View</u></p> <p>Doug stated this item has been discussed for several meetings. At the last meeting, Julie asked for some type of schematic that would show what this fence ordinance will accomplish if adopted. Steve Garside reviewed the items that have been changed in the ordinance.</p> <p>Nate questioned the ordinance and how it affects clear view for sidewalks and driveways. Steve reviewed the set-backs for fences in clear view zones. Julie questioned if this still presented a safety issue. Steve stated this provides for a 3' fence in these areas, and requires a 1' set back from the sidewalk. There was discussion about other view obscuring items that are often in this area. The members have discussed this part of the ordinance at length, and they felt this was the best option.</p> <p>Steve stated there are some blanks that need to be filled in by the public works staff. This is regarding not allowing utility meters to be fenced in and requiring fences to be a certain distance from water meter vaults.</p> <p>Doug asked what the procedure will be for meeting tonight. The public hearing was left open from the last meeting and will be continued for this meeting. The public will be given a chance to speak, and then the members consider approving the ordinance amendment and making recommendation to the City Council.</p> <p>Julie asked what the current ordinance provides for clear view zones. Steve stated it is currently 30', and the members decided this was not enforceable and made the adjustments reflected in the proposed ordinance. He stated Morgan City measures the 15' from the edge of the driveway, most other cities measure from the middle. This gives even more of a safety zone. The members did not want to prohibit fencing entirely in the front yard area.</p> <p>Doug asked Mark Schmid, Building Official if he is satisfied with the changes that have been suggested. Mark stated he feels this is fairly clear and there are not any conflicts. Julie asked if persons applying for a fence</p>
DISCUSSION	

permit can get a copy of the schematic when they apply. Mark stated this will happen, once it is approved.

Public Hearing-Rezone from R-1-8 to RM-15 and RM 15 to R-1-8 approximately 700 East Great View Drive and 800 East 650 North

There is a public hearing regarding this zone change request on the agenda tonight. Steve gave the members a review of this development, which was originally started by Gray Jensen several years ago. There is a new developer/owner that purchased these properties and they are asking for the zone changes. If approved, this would change the area between the highway and 700 East from R-1-8 to RM15, and the property on north side, or hill area above 700 East from RM-15 to R-1-8.

Steve stated what they are proposing is actually what usually occurs in planning and zoning for developments. The apartments, or higher density residential areas are usually next to commercial areas, and the lower density residential areas are usually farther away from commercial zones. The members reviewed the maps of the area and what is being proposed. Mark Schmid stated the road for the proposed high density zone would line up with the newest road across the street on 700 East.

Ernie asked if the new developer took over all of the property in the Gray Jensen development. It was stated he did and would be responsible for any items that were to be required such as trails and green spaces. Steve stated the zone changes, if approved, will actually move more acres to single family density than what there is now. Doug stated according to the application 18.16 acres will be made multi-family zoning from single and 32.7 acres will be made from single to multi-family.

Steve stated this public hearing is for the zone change request only – the actual development and the amount of units will be approved later. One concern Steve has is there needs to be a buffer zone for the adjoining properties. Doug stated as far as the way it is drawn if the zone changes are approved, he is within the legal parameters to do so. If there are a large group of residents that attend the meeting tonight and are against it, how do you justify approving this? Steve stated if it meets the ordinance, and there are a lot of people against it, you must justify or give reasons and/or concerns for not approving – or making requirements for approval. Steve stated the task for this body is to make a decision as to what is in the best interest of the City.

Nate stated he has concerns if this is approved and the actual development is not accomplished. He asked what problems this might cause. Steve stated that is not a question to be asked during the zone change - that is a question for when the development is approved. The question tonight is does this meet the zoning requirements for the City if approved.

Julie asked if they approve the zone change, can they put restrictions on the density for the development. Steve said you can implement the restrictions as wanted in a development agreement. There was question about the development and if the City has the capacity to service utilities for the area. It was stated this development paid for improvements to the water and electric systems when it was originally approved. They did not improve the sewer and/or increase capacity at the lagoons. There is capacity for water and electricity. There was some question about whether or not this increases the initial density. It was stated there may be stipulations that were done with the new developer that allow higher densities. Mark stated he had Jamie Grandpre, Senior Wastewater/Water Operator look at the capacity of the existing water tank and he feels it has the capacity for this proposal.

There was some question about the sewer lagoons and how this would impact the capacity. The members did not feel a decision could be made tonight until they have time to review the agreement that was made between the City and the new developer. A copy of the agreement was provided for review.

Concept Approval approximately 700 East Great View Drive

The members reviewed the concept plat that has been submitted for this development. There was discussion about what the developer could do if the zone change was not approved. Steve stated they could bring in a plan and as long as it meets the current zoning, the development could be approved. Doug stated if they approve the zone changes, they could have the current requirement of 10,000 minimum square foot lots apply instead of the 8,000 square foot that was in place when this was originally approved. This could be done in a development agreement.

Steve reviewed the copy of the development agreement – Section 8, Density states: "Notwithstanding the

	<p>limited number of units permitted to be built under the terms of the Development Agreement, the City agrees to allow NA to build the maximum number of units permitted under the Property's existing zone".</p> <p>Tony stated he feels there needs to be clarification on the impact this would have on the sewer lagoons. There may not be the capacity for this size of a development. Steve stated this would be a reason to continue to hearing until further information is obtained on the sewer. It was stated there are over 200 apartments being proposed – that would generate quite an impact. Steve reminded the members the reasons they can deny a zone change request. It was stated the higher density development would be rental units, they are not for sale. There was discussion about items such as snow removal and road maintenance.</p>
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GENERAL SESSION

MINUTES APPROVAL - May 19th, 2015

MOTION	<p>Doug welcomed all those present to the meeting. He asked everyone to sign the roll so they can be listed in the minutes. He stated they would be changing the order items on the agenda are to be discussed.</p> <p>Ernie Durrant moved to approve minutes of the Planning Commission for May 19th, 2015 with one correction – on the bottom of page three, Nathan McClellan voted aye, not nay on that motion.</p> <p>Second: Robert Lynam. Vote: 7 ayes</p>
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ITEM #1 PUBLIC HEARING -Amending Ordinance 10-10-8: Screening, Fence Requirements; Permit Clear View

OPEN (CONTINUED) PUBLIC HEARING	<p>This hearing was left open from the last meeting, so the commission continued discussion/comments on this matter.</p>
DISCUSSION	<p>Steve Garside reviewed for those present the changes this ordinance would implement. These include changes to clear view, fencing and also would require utility meters not be allowed to fenced in. Once public comments are heard the Planning Commission can make recommendations to the City Council on this matter.</p> <p>Doug asked if there were any comments from the public - no comments were made.</p>
CLOSE PUBLIC HEARING	<p>MOTION: David Carter moved to close the public hearing.</p> <p>SECOND: Julie Anderson. Vote : 7 ayes</p>
MOTION	<p>MOTION: David Griffith moved to approve sending the ordinance amending 10-10-8 of the City Code to the City Council for consideration of adoption.</p> <p>SECOND: Dave Carter. Vote: 7 ayes.</p>

ITEM #2 PUBLIC HEARING- Rezone from R-1-8 to RM-15 and RM 15 to R-1-8 approximately 700 East Great View Drive and 800 East 650 North

OPEN PUBLIC HEARING	<p>Doug stated he will have Steve Garside, City Planner give a brief explanation on what is being considered in regards to the zone change request. He asked those who want to speak to please state their name and keep their comments as brief as possible to allow time for everyone who wants to make comments.</p> <p>Doug declared the public hearing open.</p>
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Steve Garside reviewed this development and stated it was started several years ago by Gray Jensen. At the time of the initial approval, there was the need to upgrade the electric and water infrastructure to meet the requirements for this development. There was a development agreement adopted and densities were approved for the various areas on this development. The original developer/owner defaulted, and the current developer assumed the property. The new developer has asked for these zone changes. Steve stated from a zoning and planning stand-point, this request meets the general practice. In zoning the higher density lots are commonly next to commercial zones and the larger residential lots are usually located next to other residential areas. This zone change request would accomplish that.

This proposal would put more acreage into lower density and less into higher density so it meets those requirements. There are some other items to be considered such as buffer zones and the capacity of the City to provide infrastructure.

Doug opened the hearing to comments from the public.

Scott Jensen stated lives on 700 East. He asked for clarification on what changes are being requested. It was stated the zoning on the property that is above 700 East is currently RM-15 and is being petitioned to change to R-1-8. The property that is between 700 East and I-84 is currently zoned R-1-8, and is being petitioned to change to RM-15.

Karen Skinner asked for clarification on what is being proposed and where it is located. Tony London reviewed the map that had been provided and explained what is currently allowed in the zoning and what is being proposed. The tentative plan is to build approximately 200 apartment units on the property between 700 East and I-84. Karen stated when she purchased here home several years ago she was led to believe all of this development would be single homes. There was not supposed to be any multi-family units. Steve clarified the density that is there now is what was originally approved, and this included multi-family units. The lower density (R-1-8) would be minimum 8,000 square foot lots since that is what was in place when it was originally approved.

Mark Thayne, who is in attendance tonight, is the developer's representative. He was asked to provide some information on what is being proposed. He stated they purchased the development from Gray Jensen. When they looked at how this was originally zoned, they felt the higher density zoning (RM-15) should be moved down by the commercial zone next to I-84, and the lower density zoning (R-1-8) on the hillside above 700 East should be changed to a lower density for single home residential lots.

He reviewed for those present types of units are currently in this area, such as the townhomes, patio homes and single residential lots. He stated due to the topography of the land that is above 700 East, he does not think they will be able to have lots that will be 8,000 minimum square feet – he thinks they will be more in the range of 10,000 square feet.

Brooke Murdock stated it was her grandmother that sold property to Gray Jensen for this development. When the paperwork was signed with Gray Jensen – this was not in the plan at all. She feels it is a shame this "mess" has been allowed. She stated Morgan is a great place to live and has a reputation to keep. She hopes the members will not allow this if they have the ability to do so. She feels they should not allow apartments.

Linda Smith stated she lives on 700 East and is confused about this matter. She has never seen this proposed development before and has never received any type of notice – from the beginning when this was originally approved. She stated Morgan is still in the country, it is not a big city. She feels there were green spaces that were to be provided that have not been put into place. When she asked why the green spaces were not being required, she was told the developer was not making money so they were allowed to build on the green space. She stated if the amount of apartments that are being proposed are allowed, this will be a huge impact on the community in many areas such as roads, traffic and schools.

Linda stated there are currently improvements being done on 700 East Street, but the traffic is still high on this road. This development will adversely affect the persons living in this area. It does not follow the "building on pioneer dreams" theme Morgan City has adopted.

Neil Carrigan asked if the landowner, developer gains more housing by switching the zones, or does it decrease or increase the density? Mark Thayne stated this proposal would decrease density on more acreage. He stated what they are allowed by the development agreement is the maximum density – which equates to about 730 units. They are proposing approximately 2/3rds of this amount. This is mainly due to hillside area in the development. Neil asked about the water and how it will be provided. Steve stated the development was

required to install the water tank and electrical improvements to provide for this when it was originally approved.

Neil asked about fencing and what would be required. Steve stated it would be a 6' fence, but the type of material would be decided at a later date. Neil asked the members to be sure it is a requirement and is in the agreement. He stated he is on the School Board and this will make a huge impact. He is also concerned the road widths will allow busses and snow removal equipment to get into the area. He asked who would be responsible for plowing the roads. Steve stated the internal roads would be done by the homeowners, only the main road would be maintained by the City.

Julie Anderson stated it may help for those present if they understood the current Planning Commission members were not on this commission when the original development for Gray Jensen was approved. There was and still is an RM-15 zone that will allow apartments. It is the duty of the Planning Commission to follow the ordinances and try to make the best decisions for the community. Do the residents want the higher density on the hillside, or would they rather have it next to the commercial area. She stated there may also be some concerns about the ability to service the sewer for this proposed amount of units. Mark Thayne stated the sewer lines are the same, whether the development is on the hill or on the lower ground. Doug stated the concern is with the capacity of the sewer lagoons, not necessarily the capacity of the actual lines. Mark stated the density is already there to build apartments. That was approved in the original development.

Bradlee Walters stated he wants the developer to look at how this affects the residents in this area. He feels if the Constitution can be amended, they can surely reject this proposal. This will increase the need for utilities, etc. Doug asked those speaking to keep their comments pertinent to the current item, which is the zone change request and not the development. Bradlee stated he feels the Planning Commission and developers are making decisions based on what is best for the developer not the residents. He will do whatever it takes to get another hearing on this matter to make sure this does not take place.

Steve was asked to give an explanation of what zoning laws allow. Steve explained that when a property is zoned, the owner is vested in certain rights. The zoning is already in place for this development, the original developer is no longer the owner, and a new developer has purchased the property. They are trying to make the best of the situation, but the property owner has vested rights. This does not mean the developer gets everything they want. However if a property is zoned for a certain density, they can ask to be allowed to develop the property at the allowable level.

Nanette Nelson stated this development will put 3-story buildings in front of her home. She loves this valley. If this is allowed it will make Morgan City look like a college town. If there are no alternatives she feels the zoning needs to stay as it is now and the apartments need to be developed on the mountain. She asked the developer to look at what is currently there and the turn over there currently is due to the lack of lawns and roads. People move in and then quickly move out due to the lack of green space and adequate road width and parking.

Arlene Christensen stated her property is next to the proposed higher density. She has had horses on this property for a lot of years. How will they prevent people from going onto her property? She does not feel there is adequate sewer – just a few years ago they went through her property to improve the sewer lines. Tony stated at that time the City put a new transmission line through her property and into the sewer lagoons. What is being discussed now is the capacity of the sewer lagoons - they are near capacity. They were not over capacity when the line she is referring to was constructed. Arlene asked if she will be forced to get rid of her animals now this development is taking place. It was stated she has the rights that are with her property. If she has animals there now, she can keep them. She stated fencing is a huge concern for her.

Sam McCurdy asked if the road next to his property been approved? This is approximately 650 North – that is where the new road will have to be located. Steve stated it has been approved, in concept. This means that when the development was proposed – and according to the general plan there is a roadway planned for this area. Sam stated there was a problem due to a gas line in this area. When Gray Jensen wanted to develop the road this was a problem and he feels the new developers should know this.

Jennifer Hatt stated she does not live in this area but does live in the City. She does not want to keep beating a "dead horse" – however - because you have the right to do something does not mean you should do something. She feels the original intent was not what is there now. She realizes Mr. Thayne is not responsible for what is there. However, it is not responsible to allow this amount of apartments. She is very concerned about the impact this will have on the schools. She feels the developers will benefit financially by this zone change or they would not ask for it. She feels this should be left as it is zoned now and they should have to build the higher density to fit the hillside area as originally planned.

Brady Nelson stated his home is right on the city-county line. He asked how the city zoning affects the property in the County. It was stated this development is entirely in the City so County zoning does not apply. Brady stated he has observed what has happened in this development and feels this should not be allowed. The homes that are being built on the lots behind his home, he feels, are not very stable. There will be problems with these lots. He feels the stability of the hillside has a lot of issues. He would rather have large lots instead of smaller ones with higher density.

Karen Skinner spoke again asking when her rights come into play. She wants to know how the zoning was changed after she was bought her property. Steve stated her property would have to comply with the zoning requirements that are specific to her lot. She stated Gray Jensen misled a lot of people. Doug stated this is not an issue for tonight, what was approved for Gray Jensen is already done and cannot be changed. Karen stated it has made the value of her home go down. She feels her concerns should be heard.

Kristina Morley stated she lives off of Patterson. She has seen how this development has progressed. She feels the hillside creates a problem. She does not feel they can fit the density they are planning in this area. She feels strongly they should not be allowed to change this zoning. Development needs to be slow and thought out. She realizes these members were not on the board when this was originally approved. She feels the current members know this is a big problem area and they need to make it work for the valley, not the developer. If they have the higher density on the hill they will not be able to have as many units. She feels they need to be made to take care of the problems they will create. They need to be held responsible. She feels this will also create liability problems and they should be made to have insurance to cover problems when they arise in the future. If the developers paid for the water improvements - why are they as property owners paying for it now?

Brent (unknown last name) stated he lives on Sunset Drive and has a question on the original zoning. The original plan showed approximately 20 lots, some condos, and a cluster 40-unit development. Steve stated what is misleading is the map Brent is referring to was only a concept drawing and is not actually what can be allowed by the zoning. It was a plan, not an actual approved development. Brent stated he does not want the apartments by his home, but if given a choice he feels the higher density should be left on the hill. He feels the plan that was presented was deceptive. He stated at least with patio homes and condominiums the person owns the property - it is not a rental unit.

Travis Bailey asked the members to approve the zone change on the hill that only allow for single residential homes and not allow the zone change that would allow the apartments. Julie asked Steve to speak on this item. Steve stated this would take away the vested property right the owner has currently. Jim stated the property owner has the right to build single homes on this property if they want. Travis stated he feels the developer will make money by putting homes on the hillside, and will lose money if apartments are not allowed in the lower area.

Blake Gilbert stated he lives next to lower area where the apartments are proposed. He stated he is not from Morgan, he moved here so he realizes the irony of asking them to not allow this proposal. This is a great place and he loves the small town life. He feels everyone realizes there will be growth, but did not expect this type of huge apartment buildings next to their homes. When they bought they obtained a map and it showed homes planned for this area, not 3-story apartment complexes. Do they really want that type of appearance as you come into Morgan, big, unattractive apartment complexes? His family loves the view they have from their home. These are big tall buildings that will interrupt the view and lower their property values. He feels the zoning should be left as it is. This would minimize the impact to the area. He stated he also agrees with the other comments that have been made.

A woman who did not identify herself stated she works at the school. Have they had the school officials look at the numbers? She feels the school needs to be involved, they are beyond capacity now.

Mrs. Jensen stated she lives next door to Neil Carrigan. She feels there needs a fence, preferably a 12 foot fence. This development is in her back yard. She asked if the developers have to do impact reports, and if so - who gets those reports. She was asked whether she means impact fees or reports. She clarified, she means if it impacts the utilities, do they have to do a study to see what that impact will be. She feels these should be made public. She wants to know who these reports go to. Is it the City or County? It was stated any reports would go to the City. This development is in the City not the County. Steve clarified that according to State Code, the impact a development has on schools is not an item that can be considered in making these types of decisions. Steve stated items such as utilities, roads, etc. - those are the types of items that have to be considered. Mrs. Jensen states she feels the road is at capacity. She asked if the City Council gives a darn

about what the current residents want. She understands what Gray Jensen did is not what he represented. She asked the City to keep the County Council informed. She feels this development will involve them.

Steve stated in answer to the question of whether or not the members care – the answer is yes. They actually repealed the ordinance after this development was done. They realized there needed to be some changes. Jim reviewed the process that has to be followed, (1) the Planning Commission hears the request and approves or disapproves. The City Council then makes the final determination. It will not go before the County, is in the City limits and the County does not have jurisdiction over this development.

Tony stated every item such as agendas and public hearings are posted and information is presented in the meetings. There are very few people that attend those meetings. It was asked where these items are posted. They are posted at the City office, in the local paper, on the City website and the State has a website where they are required to be posted. Tony stated he gets a little defensive when it is stated they do not care and they rarely see people attend the meetings when items are discussed. A person who did not identify herself stated she feels members need to represent the members of the community and not the developers. She feels they are elected to make decisions that benefit the residents whether they attend the meetings or not.

Randy Bowman stated he recently moved to 700 East. Everyone in this community cares about each other and wants the best. He asked why this development has to include apartments and how will this benefit the community. Mark Thayne stated if they were to build the first 20-unit apartment complex and no one rented them, they would not build more. There is a need for apartments. This is a benefit to all who want to reside here, younger couples, etc... He understands the concerns that have been stated. He has great respect for the Planning Commission and City Council and the decisions they have to make. When someone moves into a community – their neighbors often say they blocked their view. That is why there are regulations in place – the last person to move in does not get to make the rules. He knows those present here tonight do not trust him. They need to talk with the professionals and obtain information so they can see why these changes are being requested.

Mark Thayne stated when they purchased this property three years ago, they were allowed, by the zoning that was already in place, certain vested rights. He stated they have done many developments and try to do good developments that benefit the community. He understands their concerns and feels it is very important for the residents to be involved.

A woman who did not identify herself stated the zoning dictates what is allowed. However the developer is in this to make money. They can choose higher density over lower and she would like to know why they made this decision. Mark Thayne responded stating when they purchased this ground, the development agreement they entered into with the City allowed the density to remain and building to take place. When they purchased the property they looked at the investment and what was needed for it to be a viable investment. They knew what they were buying and would not have bought it if it did not make sense. Why apartments? All of the housing that is in this development – single family homes – twin homes – are a product and people buy them. The RM-15 zone they feel is a product and feels there is a need, and people that will buy those types of units. There is a demand for apartments, not 200 overnight, but there is a need.

Another resident asked Mark if they have built apartments in Morgan. He stated they had not, but have in similar areas. The resident stated they are still held up on the vested rights – honestly – what do they stand to make more money on, the apartments or the homes. They feel that is why they are building apartments is because they will make more money. Mark stated when they bought it they had to determine if they could recoup the money invested with the zoning that was allowed.

Ernie Durrant was excused from the meeting.

Linda Smith asked about the RM-15 zone. What does this mean and what does this allow. Also, does the City Council get to determine what this allows? Mark stated the zoning has already been decided and allows 15 multi-family units per acre. This was in place before they purchased the property.

Another resident stated when her son was obtaining his Eagle Scout in the middle of it they added a new merit badge. He had to go back and get it even though process was started. She feels that zoning should operate like that. As a community, is there anything set in stone? Can they limit it to the current zoning and set conditions that would work better and fit the community needs. Steve reviewed the way the zoning regulations work. He used the example that was given regarding Eagle Scouts. If they were governed like zoning laws are, as soon as you signed up to become an Eagle Scout the regulations are locked and cannot change. As far as conditions that can be set – this can be done and is accomplished with a development agreement. This is where items such a buffer zones, fencing are outlined. The developer can leave tonight and do the development as it

is currently zoned. This cannot be changed from what the property is currently vested in. A resident stated the original plans did not have this amount of density. Steve stated the confusion is the map they are referring to is a concept map. The actual density is done when a final plat of the development is submitted and they go by what density the zoning allows. The residents were looking at the concept map, not something that had been approved. The resident asked when this development was originally done, was there adequate sewer. This development was approved several years ago, so the current members are not sure, but it should have been considered at the time of approval. Since it was approved, it is assumed the sewer capacity was not an issue at the time.

A woman that did not state her name stated apartments are not a need in Morgan. Everyone here has sacrificed something, such as living in other cities before moving here. She feels people who live in apartments move in and out all the time. She feels it is a slap in her face – she worked hard to be able to live here. She wants her quality of life preserved. The sewer capacity is a big thing – will that be fixed before all these new residents are allowed to move here. Steve stated the utilities have to be sufficient before development can take place. She asked if people who rent pay property tax. It was stated the renters do not – but property owner does. Properties that have apartment units on it usually pay higher property taxes than single-family residential lots. She stated if the City has any more growth they need more schools and teachers already do not get paid enough and they already do not have enough buses for students. Steve stated the City Council has imposed impact fees to help pay for new developments. However, they cannot implement a fee for schools, this is not allowed. The schools must take care of themselves. The resident continued stating she has made a lot of sacrifices and does not want crappy schools and teachers.

Steve stated the Supreme Court has ruled that consideration of the impact a development will have on the schools in a community cannot be a reason to deny a zone change application. The ruling has been the schools need to take care of their facilities and provide them as needed; it is not a duty of the City to determine this.

It was questioned what the plan is for emergency evacuation – how will that be done? She does not feel 700 East Street can handle it; it is only a two-lane road. Steve stated that is the nature of this entire valley, there is only one road in and out. She stated then they need to be better prepared, especially as far as apartments. The City does not need apartments they need homes that have families. She loves her neighbors and do not want the turnover that apartments bring. Apartments will only increase her property taxes and lower home values.

Alisa Hardman stated she currently lives on Mahogany Ridge and is moving to 700 East. She asked the developer to consider how the residents feel. She knows they want and need to make money, but a good developer would care what impact it makes. She feels the Planning Commission wants to pass the buck and the City Council that allowed Gray Jensen to do this development should be embarrassed. She would hope the current Planning Commission cares about the residents and will keep it as it is - if that is all they have the latitude to do.

Jacob Welker stated this development is right across from his home and he is against the zone change request. The road system in this development is very narrow and there are a lot of kids in this area already. Apartments will increase the number of kids and increase the chances of an accident happening. Someone mentioned if you take away multi-family zoning the City would owe money to developer for taking away the vested rights. He would like to know how much that would cost. He would also like to know how it would benefit their property tax rates and values. He wants to know if it is viable to purchase the right and make this all single home dwellings.

Steve stated this would be a tremendous amount of money. Land use litigation costs a lot of money and the cards are stacked in the landowners favor. The law is always such that the rights of the land owner are always the biggest consideration.

Chanelle Jones stated she moved to Morgan a year ago. It took 15 years for her to be able to move here. She asked Mark Thayne and Steve Garside if they live here. They stated they do not. She stated it is amazing to live here. When she moved here she was not aware of development that was being planned. However, the neighbors and the car dealership developers were good to her and did what it took to be a good neighbor. She asked Mark Thayne to consider the residents. Morgan is different than other areas; the people are amazing people and are unique. She is not against apartment complexes or growth, but what is being presented is huge. She realizes the zoning cannot be changed from what is now. Most people that live by her are in her church ward and she feels this is how it should stay. She asked the developer to go home and consider not only what is best for him, but the community.

Another resident stated Morgan City is unique; it is not West Valley City.

	<p>Robert Lynam stated the sewer capacity issue is a big deal to him. He would like to table this item until more information is gathered. Steve stated the Planning Commission has the right to continue this item until the next meeting to gather this information. Dave Carter stated he is in agreeance with what has been said. He feels most members are not in favor of the zone change request. He feels this item should be tabled until more information is obtained. Steve stated this can be accomplished in a couple of ways. He would recommend continuing the public hearing and requesting the information wanted. Nate stated he feels whether the high density is above or below 700 East, the sewer capacity needs to be looked at and may be an issue. From his standpoint the question on the table is the zoning change request. From his standpoint he feels this body can make this decision and the sewer capacity issue can be decided when the development plans are presented.</p> <p>Steve stated the zone change application is before them and they need to make a recommendation, or table the item.</p> <p>MOTION: Nate McClellan moved to deny the zone change application.</p> <p>SECOND: Jim Brown.</p> <p>Discussion on motion: It was clarified that Nate is an alternate Planning Commission member. He can make a motion due to Ernie Durant leaving the meeting. Mayor Little stated depending on what they do, they will also need to continue or close the public hearing.</p> <p>AMENDMENT TO MOTION: Nate McClellan amending his motion to include closing the public hearing and sending the recommendation this application be denied to the City Council.</p> <p>SECOND TO MOTION AS AMENDED: Jim Brown.</p> <p>VOTE ON MOTION AS AMENDED: 7 ayes.</p>
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ITEM #3 Concept Approval-700 East Great View Drive

DISCUSSION	This item will be tabled until the City Council decision is made.
MOTION	<p>MOTION: Jim Brown moved to table this item regarding concept approval as it is contingent upon the decision of the City Council.</p> <p>SECOND: Dave Carter Vote: 7 ayes.</p>
	<p>Doug thanked each and every member of the public for attending. He appreciates their patience and their comments. He stated the decisions the members have to make are not easy. Each member loves Morgan and appreciates the ability to live here. Linda Smith asked why this item is being tabled. Steve explained the concept approval is being tabled due to the application being denied by the Planning Commission. The public hearing for the City Council to hear this matter is set for Tuesday, June 23rd at 7:00 p.m.</p>

ADJOURNMENT:

MOTION: Jim Brown moved to adjourn the meeting.

SECOND: Robert Lynam. Vote: 7 ayes.


 Julie A. Bloxham, Acting Secretary

These minutes were approved at the July 21st 2015 meeting.