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2
3 PLEASANT GROVE CITY
4 PLANNING COMMISSION MEETING MINUTES
5 July 8, 2021
6

7 **PRESENT:** Vice-Chair Peter Steele, Commissioners Jeffrey Butler, Tim Clyde, Lisa Coombs
8

9 **STAFF:** Daniel Cardenas, Community Development Director; Rylee Hall, City Planner; Lauren
10 Droubay, Planning Tech; Aaron Wilson, City Engineer; Kara Kresser, Planning Assistant
11

12 **EXCUSED:** Chair Bobbi Jo Blake, Dustin Phillips, Todd Fugal
13

14 In the absence of Chair Bobbi Jo Blake, Vice-Chair Peter Steele assumed the Chair and called the
15 meeting to order at 7:00 p.m.
16

17 **Commission Business:**
18

19 **1. Pledge of Allegiance and Opening Remarks:** Commissioner Clyde led the Pledge of
20 Allegiance. Commissioner Coombs offered the opening remarks.
21

22 **2. Agenda Approval:**

23 Change the order of the agenda going to hear 7,6,5,4 then 1,2 and 3.
24

- 25 • **MOTION:** Commissioner Clyde moved to APPROVE the agenda. Commissioner
26 Butler seconded the motion. The Commissioners unanimously voted "Aye". The
27 motion carried.
28

29 **3. Staff Reports:**
30

- 31 • **MOTION:** Commissioner Clyde moved to APPROVE the Staff Reports.
32 Commissioner Butler seconded the motion. The Commissioners unanimously voted
33 "Aye". The motion carried.
34

35 **4. Declaration of Conflicts and Abstentions from Commission Members.**
36

37 There were no declarations or abstentions.
38

1 **ITEM 1** – Public Hearing – Preliminary Subdivision Plat – Located at Approximately 900 West 1100
2 North
3 (Mud Hole Neighborhood)
4 Public Hearing to consider the request of Clay M. Liston for a 7-lot preliminary subdivision plat
5 called Merrill Liston Estates Plat 'A', on property located at approximately 900 West 1100 North in
6 the R1-7 (Single-Family Residential) Zone.

7
8 City Planner, Rylee Hall, presented the staff report and reported that the request is for a 7-lot
9 preliminary subdivision plat called the Merrill Liston Estates Plat 'A', located at approximately 900
10 West 1100 North in the R1-7 (Single-Family Residential) Zone. She stated that the plat was originally
11 heard by the Planning Commission on May 28, 2020. Since it has been over 1 year since the approval
12 was given, the applicant was required to have the matter heard by the Planning Commission before it
13 could receive final approval and be recorded. The applicant was working to meet certain plat
14 requirements with the Public Works Department. The aerial image for the property was displayed.

15
16 The proposed plat was discussed. Planner Hall stated that there are 7 lots in the proposed plat and
17 they all meet requirements for the R1-7 (Single-Family Residential) Zone, that is - a minimum area
18 of 7,000 square feet, a minimum frontage of 35 feet, and minimum lot width of 70 feet. Frontage for
19 the subdivision will be provided by 1100 North and then future 1000 North and 900 West. Staff
20 reviewed the proposal and determined that it meets all requirements for the R1-7 (Single-Family
21 Residential) Zone and recommended approval.

22
23 The applicant, Clay Liston explained that the reason to reappear is a time problem working with the
24 Public Works Department. He stated that there were no changes from the original request heard by
25 the Planning Commission on May 28, 2020.

26
27 In response to a question posed by Commissioner Clyde regarding what happened to the northern
28 portion, Mr. Liston stated that originally, they had a 14-lot subdivision that was approved by the
29 Planning Commission. They decided to revise the plats, with the intent of developing proposed Lot
30 7 at a later date.

31
32 Vice-Chair Steele opened the public hearing. There were no public comments. The Vice-Chair
33 closed the public hearing and invited the Commission to either continue the discussion regarding this
34 item or he would entertain a motion if no further discussion was necessary.

35
36 **MOTION:** Commissioner Clyde moved that the Planning Commission forward a positive
37 recommendation for approval for the request of Clay M. Liston, for a subdivision plat called Merrill
38 Liston Estates Plat 'A', on property located at approximately 900 West 1100 North, in the R1-7 (Single
39 Family Residential) Zone; and adopting the exhibits, conditions, and findings of the staff report, and
40 as modified by the conditions below:

- 41
42 1. Street improvements will be required upon further development of the property.
43

1 2. All Final Planning, Engineering, and Fire Department requirements are met.

2
3 Commissioner Butler seconded the motion. The Commissioners unanimously voted "Aye". The
4 motion carried.

5
6 **ITEM 2 – Public Hearing – Preliminary Subdivision Plat – Located at Approximately 1027 West 700**
7 **South**

8 (Sam White's Lane Neighborhood)

9 Public Hearing to consider the request of Pleasant Grove Title Holder I, LLC for a preliminary
10 commercial subdivision plat called Pen and Ink Subdivision Plat 'B,' on property located at
11 approximately 1027 West 700 South in the BMP (Business and Manufacturing Park) Zone.

12
13 **ITEM 3 – Public Hearing – Site Plan – Located at Approximately 1027 West 700 South**

14 (Sam White's Lane Neighborhood)

15 Public Hearing to consider the request of Pleasant Grove Title Holder I, LLC for approval of a site
16 plan for two warehouse office buildings that will be completed in phases on property located at
17 approximately 1027 West 700 South in the BMP (Business and Manufacturing Park) Zone.

18
19 The above two items were discussed together.

20
21 Planner Hall presented the staff report and displayed the zoning map. It was noted that the Business
22 and Manufacturing Park (BMP) Zone is located near The Grove Zone, on the border with Lindon
23 City. The aerial image of the property was displayed. Planner Hall explained that there is an existing
24 plat on the property called Pen and Ink Plat 'A'. With the approval of Pen and Ink Plat 'B', Parcel B
25 will be vacated and will become Lots 2 through 5 of the proposed plat. Also requested was a site plan
26 for two warehouse buildings that will be located on Lots 2 and 3 of the proposed plat. They will be
27 completed in phases. Planner Hall referred to the Phasing Plan proposed by the applicant and
28 explained that the warehouse building is located on proposed Lot 2 and will be constructed first. The
29 second warehouse building will be located on proposed Lot 3 and will be constructed at a later date.
30 The request was to approve both site plans regardless of when they are constructed.

31
32 Vice-Chair Steele mentioned that a few months ago they were combined. Planner Hall responded
33 that two months ago they approved the Pen and Ink Plat 'A'. They are vacating Parcel B which will
34 include Lots 2 through 5. Plat 'B' will not include the original Lot 1 or the parcel located on the
35 southern portion of the plat. It was also noted that there is a different applicant for the proposed
36 project.

37
38 Planner Hall proceeded to address the site plan and stated that the building that will occupy proposed
39 Lot 2 will be approximately 193,316 square feet in size. The building that will occupy the proposed
40 Lot 3 will be approximately 231,288 square feet in size. The setbacks in the zone require a front yard
41 of 25 feet that will be measured from 700 South. In addition, for every additional foot of building
42 height over 20 feet, the required front yard setback must increase by one additional foot. The proposed
43 building is 42 feet tall, which is 22 feet over 20 ft.. Therefore, 22 additional feet will be added to the

1 required front yard setback (25 ft.) The required front yard setback will be a total of 47 feet. The
2 proposed site plan appears to meet this requirement. The area must be appropriately landscaped, and
3 no vehicular parking can be provided in the front yard area. The required side yard setback is 10 feet
4 and must also be appropriately landscaped. Driveways may not encroach into the 10-foot required
5 site yard setback area. The required rear yard setback is 20 feet, and the proposed plans appear to
6 meet all setback requirements for the Zone.

7
8 The landscaping plan was displayed. Planner Hall reported that in the Zone there is an open space
9 requirement of 15%. Fifteen percent of the site must be maintained as permanent landscaped open
10 space. The site plan meets this requirement by providing just over 15% for both Lots 2 and 3. Also,
11 for landscape requirements in the zone, there must be at least 15 trees per gross acre. There is an
12 allowance in the City Code that the Planning Commission may review all landscaping plans prior to
13 approval and may reduce the number of trees required in exchange for proposed amenities, as detailed
14 in the City Code. In place of trees, the applicant may propose amenities, water features, and other
15 non-vegetative landscaping elements. The applicant has proposed two things. They are providing a
16 pickleball court and a bike path along the eastern portion of the property. It will be the responsibility
17 of the Planning Commission to determine if that is adequate. At 21.9 acres they are supposed to
18 provide at least 328 trees. They are providing only 143. This bike path and the pickleball court will
19 replace 185 trees.

20
21 With respect to parking requirements, Planner Hall explained that the proposed use for the building
22 is office and warehouse space. The proposed requirements as listed in the City Code for a warehouse
23 are 1 space per employee for the highest employment shift or 1 space per 6,000 square feet of gross
24 floor area, whichever is greater. Since the number of employees they will have in each building is
25 unknown, the calculation is used for the square footage to calculate how many parking spaces will be
26 required. For an office, 1 space is required per 300 square feet of gross floor area. For each of the
27 sites, the applicant is required to provide a certain amount of square footage to be allocated to either
28 the warehouse or the office space. From that, Staff was able to determine how many spaces are
29 required. They meet the requirements for both sites. The elevations and renderings for the site were
30 displayed. The proposed elevations for Buildings 1 and 2 are very similar. Staff had an opportunity
31 to review the proposed plans and determined that they comply with City Code requirements for the
32 BMP Zone and recommend approval.

33
34 In response to a question posed by Commissioner Steele, Planner Hall responded that the Zone does
35 not require bicycle parking. Commissioner Butler referred to an area on the site or phasing plan and
36 asked if there are wetlands. City Engineer, Aaron Wilson, explained that there are wetlands on the
37 site, but they are only in the ditch that runs north and south on the eastern boundary along the property
38 line. A full Wetland Delineation Study was submitted and that was identified in that study. There is
39 a ditch in the area and a detention facility where they are holding back their detention on the site.
40 There is a ditch that they will be discharging into but there were no wetland-specific areas in the ditch
41 other than on the east side.

1 It was noted that Parcel A is owned by Pleasant Grove City and will become a retention facility. The
2 City could extend the bike path through this area.

3
4 The applicant, Jason Header, stated that he represents the developer and was present to answer
5 questions. Commissioner Clyde asked the applicant about the reason behind proposing the pickleball
6 courts versus trees. The applicant responded that 328 trees is a lot. The open space surrounding the
7 building will be very beautiful and welcoming. Engineer Wilson stated that because the ditch on the
8 east side has wetlands, they are not able to do any kind of planting in that area. It must be open space
9 because they have to leave it for the wetlands and cannot plant trees there. In response to a question
10 posed by Commissioner Butler, the applicant responded that the landscaping there includes trees and
11 shrubs.

12
13 Vice-Chair Steele opened the public hearing. There were no public comments. The Vice-Chair
14 closed the public hearing and invited the Commission to either continue the discussion regarding this
15 item or he would entertain a motion if no further discussion was necessary.

16
17 **MOTION:** Commissioner Clyde moved that the Planning Commission forward a recommendation
18 of approval for the request of Pleasant Grove Title Holder I, LLC for the subdivision plat called Pen
19 and Ink Subdivision Plat 'B', on property located at approximately 1027 West 700 South in the
20 Business and Manufacturing Park Zone; and adopt the exhibits, conditions, and findings of the staff
21 report and as modified by the condition below:

- 22
23 1. All Final Planning and Fire Department requirements are met.

24
25 Commissioner Butler seconded the motion. The Commissioners unanimously voted "Aye". The
26 motion carried.

27
28 **MOTION:** Commissioner Coombs moved that Planning Commission forward a recommendation of
29 approval for the request of Pleasant Grove Title Holder I, LLC for the proposed site plan on property
30 located at approximately 1027 West 700 South in BMP (Business and Manufacturing Park) Zone;
31 and adopt the exhibits, conditions, and findings of the staff report, and as modified by the conditions
32 below:

- 33
34 1. All Final Planning and Fire Department requirements are met.
35
36 2. Allow for the pickleball courts and bike path as amenities and as a replacement of the
37 landscaping, trees, as referenced in City Code Section 10-12A-8, Item 3 Section C.

38
39 Commissioner Clyde seconded the motion. The Commissioners unanimously voted "Aye". The
40 motion carried.

1 **ITEM 4 – Public Hearing – Rezone – Located at Approximately 1620 North 1300 West**
2 **(North Field Neighborhood)**
3 **Public Hearing to consider the request of Alan Prince to apply the R1-10 (Single-Family Residential)**
4 **Zone to approximately 3.4 Acres on property currently zoned R1-20 (Single-Family Residential)**
5 **Zone, located at approximately 1620 North 1300 West.**
6

7 Community Development Director, Daniel Cardenas, presented the staff report and stated that the
8 applicant is proposing a rezone from the R1-20 (Single-Family Residential) Zone to the R1-10
9 (Single-Family Residential) Zone. Both zones are single-family residential. An Aerial View of the
10 property was displayed. The property is located almost near the boundary with American Fork. There
11 is 3.4 acres of land available. The Zoning Map was displayed. Director Cardenas explained that the
12 minimum square footage of a lot is 20,000 square feet per lot. The applicant is proposing a Zone that
13 requires at least 10,000 square feet per lot. The General Plan was displayed. The area is shown as
14 low-density residential. Director Cardenas referred to Exhibit 4 of the General Plan, Land Use, and
15 Zoning Chart regarding low-density residential uses in the R1-10, R1-12, and R1-15 (Single Family
16 Residential) Zones. Typical densities are between two and four units per acre. The Land Use Map
17 was displayed. Director Cardenas explained that the property the applicant is proposing to rezone is
18 low-density residential.
19

20 The applicant, Paxton Guymon, presented himself as a principle on the transaction. Mr. Guymon
21 mentioned that the property that they plan to purchase is owned by the Church of Jesus Christ of
22 Latter-day Saints. In their contract, the Church supports the application for a 10-lot subdivision. The
23 property is zoned R1-20 (Single Family Residential) Zone, which would yield six lots on the 3.40-
24 acre parcel. With the requested zone change they would be allowed up to 10 lots. Mr. Guymon
25 mentioned that they would like to make a verbal modification to their application. They requested
26 approval of a rezone to the R1-12 (Single Family Residential) Zone, instead of the R1-10 (Single
27 Family Residential) Zone.
28

29 Vice-Chair Steele opened the public hearing.
30

31 *Justin Olsen* stated that he was proud to live in a neighborhood that is zoned in the way it is currently.
32 He would prefer that the neighborhood remain unchanged and requested that the zone stay R1-20.
33

34 *Diana Lundahl*, a resident, commented that the area was originally zoned Rural Residential and later
35 changed to R1-20. She asked that an island not be created in the middle of the rural area that they
36 fought to keep.
37

38 *Ernest Bramwell* stated that in the 1990s as Pleasant Grove's first General Plan was drafted, he was
39 the Northfield Neighborhood Chairman and served 6 years on the Planning Commission. The
40 demand and market for larger lots has held steady for 20 years. Northfield has become a more
41 beautiful and desirable place to live and raise families. There will be an inconvenience during
42 construction and affected long-term by increased traffic and lower property values if denser zoning
43 is allowed. By pursuing R1-10 zoning, the applicant is not seeking to complement or benefit his

1 neighbors but rather to benefit from the area. They asked the Planning Commission to base their
2 decision on their pecuniary and long-term interests. Mr. Bramwell asked that the applicant put forth
3 a plan that does not injure the neighbors. He recommended a plan that is compatible with the area
4 and retains the R1-20 zoning.

5
6 *Dewey Lundahl*, a resident, stated that he sent Planner Hall a Road Report with photos showing that
7 the road in front of his home is not in good condition. Many people use the sewer or the secondary
8 line as the sidewalk in their neighborhood. The developer indicated that they bid on the project as a
9 contract and theoretically do not own the property unless it is changed to the zoning they want. The
10 neighborhood was looking at it as maintaining the current status of the lower-density housing. From
11 their perspective, keeping the same zoning will benefit the builders.

12
13 *Kate Atwood*, a resident, stated that she moved to the area because it was unique with large lots. She
14 purchased the lot knowing that the surrounding area would remain the same. She stated that it makes
15 sense to keep it the same.

16
17 *Ernest Bramwell* commented that when the LDS Church came before the Commission, they cared
18 very little about the codes, standards, and requirements. Vice-Chair Steele stated that all residential
19 zones allow for lot size averaging.

20
21 *Stephanie Olsen* stated that nearby, Cadence Homes purchased a property and proposed 1-acre lots,
22 which was consistent with one-half-acre lots. Commissioner Clyde clarified that the area north of
23 1800 North must remain R1-20.

24
25 *Don Finlayson*, a retired architect, reported that he lives east of the subject property. He looks at the
26 request from a permissible and appropriate perspective. Mr. Finlayson explained the different zones
27 in the area and how many homes are proposed in each zone.

28
29 *Albert Nystrom* asked how the developer plans on running a sewer. Vice-Chair Steele mentioned that
30 that is beyond the scope of this hearing. Mr. Nystrom also asked if the property has been purchased.
31 Vice-Chair Steele responded that the applicants have entered into a purchase agreement. Mr. Nystrom
32 stated that about 15 years ago he approached Lynn Walker about the potential of improving their
33 road. Mr. Walker stated that they did not have a tax base for it. They now have a tax base and Mr.
34 Nystrom proposed that the City purchase the property and turn it into a park. He wanted to see the
35 City spend money on the west side of Pleasant Grove.

36
37 *Phil Schmidt* indicated that he lives on the property directly south and bordering the proposed
38 development. He has been involved with development for the last three years working with Hadco
39 Construction. He noted that Utah is experiencing a demand for housing, and it is important for people
40 to satisfy those needs. The neighbors understand growth and wish to keep the zoning as R1-20. Mr.
41 Schmidt commented on the traffic studies.

1 There were no further public comments. The Vice-Chair closed the public hearing and invited the
2 Commission to either continue the discussion regarding this item or he would entertain a motion if
3 no further discussion was necessary.
4

5 Commissioner Clyde remarked that the Church will recommend approval because they want to get
6 as much money as they can. The Commission will have to consider the people that own the property
7 and the potential landowners. They recognize that the roads are an issue, but the issue will have to
8 be dealt with by the City Council. Concerning a comment regarding basement apartments,
9 Commissioner Clyde commented on what is required. Commissioner Butler stated that he lives on
10 the west side, and he understands how the residents feel. Commissioner Clyde mentioned that the
11 City's tax base is relatively low, and they do not have a lot of retail. They are very protective of The
12 Grove section that goes to the freeway and are trying to see what that can be and how they can bring
13 revenue in.
14

15 **MOTION:** Commissioner Coombs moved that the Planning Commission recommend that the City
16 Council approve the request of Alan Prince for a rezone of approximately 3.4 acres from the R1-20
17 (Single-Family Residential) Zone to the R1-12 (Single-Family Residential) Zone, at property located
18 at approximately 1620 North 1300 West; and adopting the exhibits, conditions, and findings of the
19 staff report, and as modified by the condition below:
20

- 21 1. All Final Planning, Engineering, and Fire Department requirements are met.
22

23 Commissioner Clyde seconded the motion. The Commissioners unanimously voted "Aye". The
24 motion carried.
25

26 **ITEM 5 – Public Hearing – Rezone – Located at Approximately 4801 West 6800 North**
27 **(Sam White's Lane Neighborhood)**

28 Public Hearing to consider a request from Daniel Thomas to rezone Parcel 14:054:0154 and the
29 northern portion of parcel 14:054:0155 by applying The Grove Business Park (GBP) Overlay Zone
30 to properties located at approximately 4801 West 6800 North.
31

32 Director Cardenas presented the staff report and displayed an Aerial Map of The Grove Zone. The
33 applicant is proposing to apply The Grove Business Park Overlay (GBP) zone to 6.925 acres of
34 property. He explained that it is acceptable to do a rezone before a plat but eventually a plat will be
35 required.
36

37 Vice-Chair Steele opened the public hearing. There were no public comments. The Vice-Chair
38 closed the public hearing and invited the Commission to either continue the discussion regarding this
39 item or he would entertain a motion if no further discussion was necessary.
40

41 **MOTION:** Commissioner Butler moved that the Planning Commission forward a recommendation
42 of approval to the City Council for the request of Daniel Thomas for the rezone of approximately 6.9
43 acres by applying The Grove Business Park Overlay (GBP) Zone; and adopt the exhibits, conditions,

1 and findings of the staff report. Commissioner Coombs seconded the motion. The Commissioners
2 unanimously voted "Aye". The motion carried.

3
4 **ITEM 6 – Public Hearing – City Code Amendment 10-14-25-4: Design Controls. The Grove**
5 **Business Park (GBP) Overlay**
6 **(City Wide)**

7 Public Hearing to consider a request from Daniel Thomas to amend the Pleasant Grove City Code by
8 modifying City Code Section 10-14-25-4 Design Controls in The Grove Business Park Overlay by
9 changing the architecture, design, and theme requirements for proposed future buildings and site plans
10 in the Zone.

11
12 Director Cardenas presented the staff report and stated that the application is to incorporate two main
13 uses that are not allowed in The Grove Zone. One is light manufacturing and the other involves the
14 storing of products. The GBP Overlay Zone does not have as many architectural requirements. The
15 applicant's proposal is to incorporate the uses allowed in the GBP Overlay. This type of use is called
16 flex-space, which involves the use of space as an office or retail with a large portion of the space
17 being dedicated to the storage of products or manufacturing. The applicant is proposing changes to
18 the design of a building. To accomplish that, Staff proposed some Code changes to the rules from
19 the Interchange Subdistrict with respect to design. There are also a few design criteria proposed by
20 Staff. One pertains to the massing of the building. Staff is requiring that buildings be designed with
21 articulations in the façade and proposing that loading and dumpster areas be screened from the public
22 view. General warehousing or storage will not be allowed in the open. Fifty percent of the building
23 facade for buildings located along Pleasant Grove or North County Boulevards shall consist of glass.

24
25 It was proposed that all dumpsters and trash handling areas be fenced, enclosed, or screened from the
26 public view. The size of the securing screen should be at least six feet tall, but not greater than 10
27 feet in height. Any such storage area should be constructed of materials and colors that are compatible
28 with those of the primary structure on the site. Chain-link fencing is not allowed. Staff stressed the
29 importance of the area not looking like a manufacturing zone. Staff proposed that every unit have its
30 own enclosed trash dumpster.

31
32 The applicant, Daniel Thomas, asked if the five-foot landscaping strips should be five feet wide or
33 long. Director Cardenas responded that Staff was willing to eliminate that requirement. The applicant
34 was willing to comply with the requirements.

35
36 Vice-Chair Steele opened the public hearing. There were no public comments. The Vice-Chair
37 closed the public hearing and invited the Commission to either continue the discussion regarding this
38 item or he would entertain a motion if no further discussion was necessary.

39
40 **MOTION:** Commissioner Clyde moved that the Planning Commission forward a recommendation
41 that the City Council approve the proposal to amend City Code Section 10-14-25-4: The Grove
42 Business Park (GPB) Overlay Zone, Design Controls, as modified by the condition below:

1. Remove 'outdoor storage areas' from Letter G in the first and second lines.
2. Remove the requirement of five-foot landscaping strips around all trash enclosures, the last line in Letter G.

Commissioner Coombs seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

ITEM 7 – Public Hearing – Preliminary Subdivision Plat – Located at Approximately 85 West 2430 North

(Big Spring Neighborhood)

Public Hearing to consider a request from Rose Patch Hay, LLC to void Carol's Countryside Subdivision Plat A. The proposed voided plat would return to previous parcel configuration for the property located at approximately 85 West 2430 North in the R-R (Rural Residential) Zone.

Director Cardenas presented the staff report and explained that the applicant, Rose Patch Hay, LLC, is requesting to void Carol's Countryside Subdivision Plat A. The plat was recorded incorrectly due to the lack of signatures. It was clarified that the plat is being voided and not vacated.

Director Cardenas displayed an aerial map and identified Carol's Countryside Subdivision Plat 'A.' He explained that it will be eliminated and revert back to how it was previously. The action must be done by ordinance with the Planning Commission forwarding a recommendation to the City Council.

Jared Anderson identified himself as the attorney representing Mr. and Mrs. Andrus who were present on behalf of Rose Patch Hay, LLC, owner of the property before the plat was recorded. Mr. Anderson stated that they are asking that the City Council void the Plat and go back to what it was in 2018.

Vice-Chair Steele opened the public hearing.

Larry Blackhurst stated that in 1998 he purchased property and asked the Andrus's if they would like to purchase 2 acres across the ditch from the original property. They also donated 4 acres to the church. Later John Andrus asked them to establish an LLC to benefit members who did not qualify for green belt status. They agreed to do that with the intent to eliminate it in the future and go back to the original configuration. Their tax attorney suggested that they eliminate the original LLC and establish a new one. They approached the City who notified them of the guidelines to be followed to establish the new LLC. He explained that the Andrus's did not want that because they would be required to pay a rollback tax. However, for estate planning purposes, they felt it was necessary to eliminate the original LLC and establish a new one.

Angela Kelson identified herself as the daughter of Mr. Blackhurst. She referred to the plat and mentioned that the 14.81 acres on Lot 1 is Larry's portion and the 2.05 acres on Parcel A is the Andrus' portion. She explained that originally, they were trying to remove their portion from the LLC and put it in Mr. Blackhurst's name. Their engineer met numerous times with City representatives and

1 revised the plat as directed. Ms. Kelson stated that they have no problem with what is proposed as
2 long as Lot 1 remains unchanged.

3
4 There were no further public comments. The Vice-Chair closed the public hearing and invited the
5 Commission to either continue the discussion regarding this item or he would entertain a motion if
6 no further discussion was necessary.

7
8 It was acknowledged by the Planning Commission that the advice of the City's legal counsel was that
9 the plat as recorded two years earlier did not have the signatures needed to be valid. State Code
10 requires a subdivision plat that is recorded without signatures be voided.

11
12 *Jared Anderson* argued that Lots 1 and 2 were not legally recorded. He also argued that the
13 Blackhursts cannot misrepresent to the City that they have 89 % ownership since the managers have
14 the authority to represent the company. The company has an Operating Agreement and they need to
15 follow the proper process. Vice-Chair Steele stated that the dispute within the LLC is beyond the
16 City's purview. Is a matter of whether the original plat was recorded properly. The legal advice from
17 the City Attorney is that it was not.

18
19 **MOTION:** Commissioner Coombs moved that the Planning Commission forward a
20 recommendation of approval for the request of Rose Patch Hay, LLC for the voidance of the plat
21 called Carol's Countryside Subdivision Plat 'A', on property located at approximately 85 West 2430
22 North, in the Rural Residential (R-R) Zone; and adopt the exhibits, conditions, and findings of the
23 staff report, and as modified by the condition below:

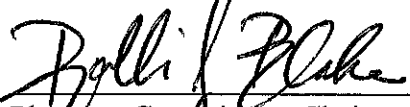
- 24
25 1. All Final Planning, Engineering, and Fire Department requirements are met.

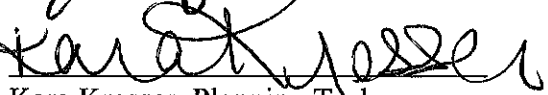
26
27 Commissioner Butler seconded the motion. The Commissioners unanimously voted "Aye". The
28 motion carried.

29
30 **ITEM 8 – Review and Approve the Minutes from the June 24, 2021, Planning Commission**
31 **Meeting.**

32
33 **MOTION:** Commissioner Butler moved to ACCEPT the minutes of June 24, 2021. Commissioner
34 Coombs seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

1 **MOTION:** Commissioner Coombs moved to ADJOURN the meeting at 8:53 p.m. Commissioner
2 Butler seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

3
4 
5 _____
6 Planning Commission Chair

7
8 
9 _____
10 Kara Kresser, Planning Tech

11 
12 _____
Date Approved