

Minutes of the Planning Commission meeting held on Thursday, September 1, 2022 at 6:31 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

The public was able to view the meeting via the live stream at <http://www.murraycitylive.com> or <https://www.facebook.com/Murraycityutah/>. Anyone who wanted to make a comment on an agenda item may submit comments via email at planningcommission@murray.utah.gov.

Present: Jeremy Lowry, Chair
 Ned Hacker
 Michael Richards
 Lisa Milkavich
 Travis Nay
 Zach Smallwood
 Seth Rios
 Briant Farnsworth
 Members of the Public

Excused: Jake Pehrson, Maren Patterson,

The Staff Review meeting was held from 6:00 p.m. to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording is available at the Murray City Community and Economic Development Department Office.

APPROVAL OF MINUTES

Mr. Hacker moved to approve the minutes from the July 21, 2022 and August 4, 2022 Planning Commission meetings with the minor corrections noted during the pre-meeting. Seconded by Mr. Richards. A voice vote was made, motion passed 5-0.

CONFLICT OF INTEREST

There were no conflicts of interest identified.

APPROVAL OF FINDINGS OF FACT

Ms. Milkavich motioned to approve the findings of fact for Professional Yard Services and Ingenuity Inc. Seconded by Mr. Nay. A voice vote was made, motion passed 5-0.

MARAUDER TATTOO – 4700 South 900 East #41H – Project #22-132

Mr. Rios said this is an existing tattoo business at the address above, in the commercial zone next to residential and mixed use. They are adding a unit to their business to add more booths, which requires a conditional use approval. The layout and floorplan are available in the staff report, and staff is recommending approval based on the conditions listed.

Steve Webster, applicant, stated there is plenty of parking, business is great, and all is good. He has reviewed the three conditions and agreed to comply with them.

Ms. Milkavich said there was a comment from the fire department in regard to storage under the stairs and wanted to make sure the applicant had a chance to see that note.

Mr. Webster said that is not part of their unit, and they don't even have access to it; it's probably from the unit next to them. Mr. Smallwood said it will be addressed at the business licensing

stage. If they don't have access to it, then it's out of the business' control and it will be handled at that time.

Mr. Lowry opened the hearing for public comments. There were no comments, either in person or sent prior to the meeting.

Mr. Nay motioned to approve a conditional use permit to allow a tattoo studio at the property address 4700 S. 900 E., Suite #41H, subject to the following conditions:

1. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.
2. The project shall comply with all applicable building and fire code standards.
3. The applicant shall obtain permits for any new attached or detached signs proposed for the business.

Seconded by Mr. Hacker. Roll call vote

A Lowry
A Hacker
A Nay
A Milkavich
A Richards

Motion passed 5-0.

STEP ABOVE DAYCARE – 404 East 4500 South – Project 22-133

Mr. Rios said the applicant is wanting to open a daycare at the address above, in a commercial office building that is already existing in the General Office (G-O) zone. North of 4500 South Street is Millcreek, to the south is residential R-1.8, single family, and to the east is multi-family. Mr. Rios reviewed the building and proposed layout and floorplan. They will be taking up most of the first floor. Most regulations for daycares come from the state, and there is a whole chapter of state code dedicated to that. The applicant is working with someone from the state to meet all those requirements before they open the daycare; that has been listed as one of the conditions of approval for this permit. Staff recommends approval with the listed conditions, and the additional requirement that they must comply with State Code Title R430.

Hajie Gal, applicant, stated he has reviewed the packet and staff conditions of approval and they will be in full compliance. As Mr. Rios informed the commissioners, they are actually in a working relationship with the childcare licensing from the state. The state came and reviewed the property and had no issues with the property. The only thing the daycare has to do is put in a fence, and that is something they will be working on. They were also told to schedule for the fire marshal to come in and do a fire inspection, but other than that everything is good.

Ms. Milkavich asked about the number of employees, hours of operation and estimated number of children they are planning for. Mr. Gal said many of their kids live in Murray and they will be doing a lot of pick up and drop off for the local schools. When childcare licensing came and saw the square footage, they said that based on that they could have anywhere from 75-100 kids. There will be a daycare facility center director and between 10-15 staff. The hours of operation will be from 6:00 a.m. to about 9:00 p.m., because some parents come home late.

Ms. Milkavich asked about the ages being served. Mr. Gal responded from infant to about 12 years old.

Ms. Milkavich explained that her questions were to make sure they were providing appropriate parking and traffic patterns, along with making sure sound ordinances are being followed. Since they are on 4500 S, which is high traffic and not residential, most of those concerns aren't significant with this project.

Mr. Gal said everything will be done in accordance with safety measures. The playground area will be on the back of the building, on the south end, where there is no traffic. When kids are being escorted they have staff to take them to the playground and bring them back, there is supervision at all times.

Mr. Lowry opened the hearing for public comment, there were no comments received prior to the meeting.

Dustin Samuelson (resident)

I am directly south of building A and B of this property. We came here tonight, me and my wife., to address some safety concerns. There is a failing retaining wall on that property, the fence actually fell directly on to my property. We tried several times to communicate with the property owner and property management of that company, no return communication of any kind. Where the daycare play area is intended, there has already been a child that fell off the retaining wall on the multi-tenant side, and there has also been a child that fell off the retaining wall onto my property directly. With the failing fencing and the failing retaining wall, we feel it's concerning for child safety, specifically that large amount of children. On top of that, it has eased, the traffic on 4500 because of the new light on Atwood, but turning left out of that property, off of Creek View and on to 4500, even at 6:00 a.m., can be quite dangerous; there have been numerous wrecks right there and a lot of our neighbors don't turn off of Creek View, they will go up to 500 East to turn out to the light or even 600 East to put themselves between two lights. It has been eased slightly due to the new light on Atwood, but there is definitely real traffic concerns, especially in high traffic volume times like rush hour in the morning and evening, turning left out and turning left in to Creek View is dangerous at times. I felt like it was pertinent to express concerns for safety when we are dealing with children. I understand that there are safety guidelines for the daycare itself, but children don't always follow guidelines. Aside from the traffic and potential concerns of the fencing and retaining wall on that property, there are also fire code issues. I have personally worked inside that building with my previous job, and I would just express concern to the commission that we make sure they meet any and all fire code, especially on the main floor as there are not as many NEC or R rated fire codes required, due to state commission requirements or regulations. Anything we can do to make sure they are safe in that confined space, because the back half of that building is conjoined with a stairwell that meets the two buildings together. It's more personal opinion than fire code, but I feel like that constricts emergency access or emergency exit from that facility, and it's hard enough to get children in a straight line, let alone in an emergency situation.

Skye Metcalf (resident)

Again, I just have to say the safety concerns. Sometimes turning left out of that neighborhood can be very difficult. There is a lot of people that will do U-turns right there, where Creek Lane

comes out, so sometimes it is very difficult to get out as is. With the increased traffic volume that worries me slightly to get out in the mornings. Then, the back fence where the play area would be, even when that wood fence was up, ours has fallen because of the retaining wall, like he said. Even when that six-foot fence was up, part of the retaining wall only has about a foot between the retaining wall and the fence, so kids can climb on that wall and very easily fall over that short fence; it has happened before, so that really worries me with all of those kids there. I do have video of their sprinklers going off and water just pouring into our yard, and that's a good reason the fence fell, because of all of the water damage; I have many videos of it.

Mr. Lowry closed the public comment portion of the hearing.

Ms. Milkavich asked staff what the city's responsibility is versus the state code's responsibility to keep the kids safe. Mr. Rios said the state has regulations regarding their outside space, they will not allow kids to run around the parking lot. They will have to install their own separate fence around the area where the kids are playing, and as indicated there will always be supervision. While going through the business license process, they will have to have Building and Fire go out and do inspections. Fire made comments about installing a Knox box and sprinkler system, as they have been strict recently about bringing old buildings up to current code. On top of that, Building will go out and do inspections and staff will mention to the inspector to look at the fence; that would be part of that inspection. Those issues will have to be addressed before they are issued a business license.

Mr. Lowry asked about city ordinances regarding the condition of a retaining wall, and the obligations of the landlord. Mr. Smallwood said that would largely be a civil issue between the two property owners, the city would not necessarily get involved. However, with concerns expressed, and this being a daycare, this will be passed on to the building official to make sure that is looked at by the building division upon inspection. Most likely, both property owners will have to contribute to fixing that.

Mr. Nay noted that the state heavily regulates these types of businesses, they will not be able to get a license without meeting all of those conditions put forth by the state. He is pretty comfortable with the state's powers for regulations here, to make sure they are in line with current regulations.

Mr. Hacker asked the applicant if he has had any conversations with the property owner regarding the retaining wall. Mr. Gal said they have not discussed the wall, but he said the commissioners are 100% correct. Before they even started the application process, they had childcare licensing from the state come to inspect and do their preliminary inspection. First, they asked the state representatives if this was a suitable place for childcare. Obviously childcare licensing is pretty strict, and they would never issue a childcare license if it would put the kids in danger. The state did the preliminary inspection, and one of the things holding them up was the decision on the playground location. The applicant had originally wanted it in the front but licensing said no, then they moved it to the back and childcare licensing sent a representative who inspected the retaining wall and made no comment about it. The proposed placement for the fencing was fine according to the state. Their fence will not be directly attached to the retaining wall or the retaining fence, as childcare licensing has their own requirements for fencing in accordance with state regulations; the daycare will have to build their own fence, and probably put shade on top of it as well for the kids.

Ms. Milkavich wanted to discuss the traffic and noted that 4500 South is a UDOT road. Mr. Rios said staff didn't think this would have a huge impact on traffic on 4500 S, as it is already a very busy road. He also said that people will be coming at different times during the day. Mr. Lowry said that at some point, feasibility studies were done for different developments, and this was part of a plan. The question is, will this use increase the utilization of 4500 S beyond the original impact studies, and the answer is probably no.

Mr. Smallwood said that staff looks at the entire zone allowance, and all of the uses that are allowed in that zone. This is in the G-O zone, and this office complex could be filled to the brim with its parking and number of office users, but it would still be adequate because it is existing. The addition of a daycare doesn't lead staff to believe that there will be a significant impact to the traffic on 4500 South Street more than the current conditions. The city engineer reviews these as well and is very conscious of city traffic patterns; he did not have any comments on this application.

Mr. Lowry noted that he is sensitive to the public's comments, and he agrees that this use wouldn't bring more traffic than other uses if the building was full. He'd like to understand what the city can do to encourage the building owner to address the retaining wall and other deferred maintenance. He doesn't know what is in the city's power to do in regard to that, but he'd like to know if there is anything that can be done.

Mr. Smallwood said that gets kind of tricky, since a condition can't be an encouragement. A condition must lay out a specific hard standard that needs to be met, a measurable standard that can be enforced. The applicant is here and can go back to the property owner to share the city's concerns, and this will be passed to the building division to check for issues like stability with the fence or anything else.

Mr. Lowry agreed that if it meets the ordinances, there is nothing to condition. He encouraged the applicant to communicate with the property owner to work with neighbors on the issues raised today.

Mr. Hacker moved to approve a conditional use permit to allow the operation of a commercial childcare center at the property address 404 East 4500 South, subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. The applicant shall obtain a building permit for any interior or exterior construction on the property.
3. The applicant shall comply with all state codes in Title R430 of Utah State Code regarding childcare facilities.
4. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.

Seconded by Mr. Richards. Roll call vote

<u>A</u>	Lowry
<u>A</u>	Hacker
<u>A</u>	Nay

A Milkavich
A Richards

Motion passed 5-0.

MURRAY THEATER RENOVATION – 4949 South State Street – Project #22-122

Mr. Smallwood said this is a request from Murray City Parks & Recreation to renovate the existing Murray Theater, so this is a design review application. He showed aerial pictures from the staff report and explained what is in the surrounding area. This is in the Murray City Center Zoning District, which is largely the downtown area. City Code states that any modifications to buildings listed on the historic register, which this building is, does require a design review approval after a recommendation from the MCCD Committee. There are lots of interior renovations going on here, they are going to accommodate approximately 300 seats; the interior is not up for debate tonight, as they can do whatever they want inside the building. The seating was sunken down originally, but the previous owners built it up, and it is being put back as it was originally. The existing marquis will come down, but will be built back up as it was originally in 1938. He showed renderings from the proposed inside, as well as the outside as shown in the staff report. The MCCD Review Committee voted 3-0 to forward a positive recommendation to the planning commission. They did discuss planters in lieu of street trees that would normally be required in the zone, due to the historic nature of the marquis; they don't want to block the marquis with trees. The MCCD Review Committee and Planning Division Staff recommend the planning commission approve the design review application for the Murray Theater at the address above, subject to conditions one through three.

Mr. Nay asked why renovation plans are being built for an older population versus someone 25 years old. He noted that many people don't want to have to sit during a concert, along with a large number of performers that aren't willing to play to a seated audience.

Ms. Milkavich said that in this day and age, a flexible use of the facility would be ideal to enhance opportunities to use the facility. She also wanted to discuss parking, because there is no parking with this being a historic building. In the report there was discussion about using the city hall property as it gets developed for some of the parking, but she is worried about maintaining that parking long-term.

Mr. Smallwood there would be a deed restriction placed on the city hall property, and when sold that parking has to be provided for the theater. For the theater itself, there is a section of Murray City Code that states that parking requirements for buildings that have already existed in the historic district are based on the requirements they already have. Technically this building doesn't currently have any parking, so none is required. That being said, staff understands there will be a need for it.

Ms. Milkavich said that in theory we don't want to do anything that would restrict us from keeping this building, but the reality is that people will need somewhere to park when coming to a show.

Mr. Smallwood said that's why they are proposing the deed restriction on the city hall property when sold, to ensure parking is available.

Ms. Milkavich asked for details about the deed restriction.

Mr. Smallwood responded that the deed restriction stays in place forever, even if the ownership changes.

Kim Sorenson (Director of Parks and Recreation), said the city and elected officials both understand, and have agreed, that when the city hall property is sold there will be a deed restriction included to require shared or separate parking for the theater on the property forever. They are also working with some of the neighboring properties for shared parking, including the post office. The post office now rents and uses Ken Price parking for their employees. He has been in contact with them for about six months, but nothing moves fast with the post office and he is fairly certain they will be able to use their parking when they are not using it. They are working with another neighbor to purchase property as well, so they feel very comfortable that they have the parking issues taken care of. He also asked for more details in regard to Mr. Nay's questions about the design not being for a younger crowd.

Mr. Nay said that there is a young group of people that want to stand up and dance at a concert, and not be stuck in a chair the whole time.

Mr. Sorenson said the theater is not being designed specifically for concerts, it is being designed for multi-use. Those uses include things like plays, children's skits and different artists coming to play, ballets, etc. They will also be able to have movies, as well as concerts in the theater. When they have concerts there probably won't be a mosh pit, but there will be a variety of uses and the city has hired CREATE Company, out of Denver, to do a feasibility study on what should be programmed there. He thinks the citizens will be excited, surprised and that they will accommodate everyone of all ages.

Ms. Milkavich asked about the process with the CREATE Team out of Denver, will staff continue to talk with them about multiple uses including the flexibility of the first few rows being removable or replaced, which might add to possible uses.

Mr. Sorenson said there are some seats that have the option to be removed due to wiring and possible additional ADA accommodations.

Mr. Richards said that even if all the seats were flexible, he doesn't believe it's a large enough space for that type of concert.

Mr. Sorenson added that they have little to no storage, so even if they could remove the seats, they would have nowhere to store them.

Mr. Nay asked about the timeline for the project.

Mr. Sorenson said the city signed an agreement with a contractor last week, Judd Construction, and they are meeting with them next week. Their current timeline is one year, so he is hoping for September/October of 2023 to have the project completed.

Mr. Lowry asked if Mr. Sorensen, as a representative of the city, has had a chance to review the three conditions of approval, and if the city can meet those.

Mr. Sorenson responded that he has reviewed those conditions, and they can meet all of them.

Mr. Lowry then asked about the planters and what staff has in mind for the landscaping.

Mr. Sorenson said there is not a plan for the outside yet, but he likes the idea of the raised planters. When he met with the committee last month and they brought it up, he liked the idea of having some planters, especially to avoid the trees blocking the marquis sign. The building has been designed to match the architecture done back in 1938. The outside neon will be a greenish-blue color, which was the original color. The inside will be red and gold, as it was originally. This new sign will most likely be LED, rather than neon, because it is more efficient, but you won't be able to tell.

Mr. Hacker asked about the access in the rear, with an alley to the east that goes to the post office, if that will be enough.

Mr. Sorenson said that alley is the property of the post office, and city with this building has an easement for access. They are also in negotiations with the neighbor to the east.

Mr. Lowry opened the hearing for public comment. There were no comments submitted by the public prior to the meeting, and no comments in person.

Mr. Richards motioned to approve the design review application for the Murray Theater, located at 4959 – 4963 South State Street, subject to the following conditions:

1. The project shall include landscaped planters in the five-foot furnishings zone to meet the requirements of Section 17-170-100(A) of the Murray City Land Use Ordinance.
2. The project shall include agreements for shared parking to accommodate up to 75 parking spaces during evening and weekend hours on Murray City Hall property located at 5025 South State Street.
3. The applicant shall obtain all necessary building permits and sign permits for the renovation before work begins.

Seconded by Ms. Milkavich.

Roll call vote

<u>A</u>	Richards
<u>A</u>	Milkavich
<u>A</u>	Nay
<u>A</u>	Hacker
<u>A</u>	Lowry

Motion passed 5-0.

ORDINANCE TEXT AMENDMENT – Chapter 17.6 Appeal Authority – Project #22-129

Mr. Smallwood presented a request from Murray City Planning Division Staff, in conjunction with the attorney's office. They have been discussion a text amendment to appeals and variances in the Title 17 Land Use Ordinances. Specifically, most of the changes are in section 17.16, and it is being changed to Land Use Appeals and Variances. This also affects the definition section, and various other sections throughout the code where there were specific timeframes for appeal dates and deadlines; those timelines will be repealed from those sections to bring everything

into one easy to read and understand language. A few of the larger changes are the definition changes and unclear descriptions regarding appeal instructions. As Senior Planner, one of his objectives and goals is to go through the land use ordinance and do some clean up, including moving every definition to the Greater Definition section, instead of each chapter having its own definition section. Next, there were unclear directions as to who directly a grievous person was in the code; without a hard definition, anyone could apply to appeal a decision, regardless. The state made a change recently to their code stating that "an adversely affected party is a person who owns real property adjoining the property that is subject to the land use application; or will suffer damage different in kind or an injury distinct from that of the general community as a result of the decision." That definition helped to narrow the field to people having a direct impact from a project.

Mr. Lowry appreciates what's being done and wonders if in the language given by the state above it opens things up and makes it broader for someone to claim emotional/psychological damage. They have had someone in the past claim potential psychological/emotional damage from walking past a building that used to be a cherished memory for them.

Mr. Smallwood that could be a case, but they would have to submit that appeal and staff, the attorney's office and the hearing officer would decide further steps together.

Mr. Lowry noted that maybe there should not be a semicolon after "or land use decision," just a period and it stops there.

Mr. Smallwood said they are just using the state definition, and it has been copied exactly from them.

Ms. Milkavich asked if the state could trump the city if there was an issue, and if so this is a smart practice to follow their lead.

Mr. Smallwood said it is easier to follow them, then to work against them. They also moved the definitions to the appropriate section. They will have clearer text, and he gave examples from a previous section where things were all in one section, but not specific. Hardship tests need to be specific to the appeal, so those were broken out into an appeal process and variance process, to make things more clear. As discussed in the pre-meeting, there were many locations in the code that gave different timelines for appealing a land use decision. Everything was narrowed down into one section, where the timeline is 10 calendar days from the written land use decision; this is the same timeline the state has adopted.

Mr. Nay asked if staff feels like that's giving an aggrieved party enough to time to get everything together and make an appeal.

Mr. Smallwood said the 10 days doesn't start until a written decision is given. For a conditional use permit, that would mean the countdown doesn't start until the commission approves the findings of fact. In theory, that should give them plenty of time to get their appeal completed.

Ms. Milkavich said that in her profession they have 30 days to get things done, and there is always a discussion about whether those are working days; do those days include holidays and weekends, etc. Do they need to be concerned about that clarification regarding which days count against the 10 days.

Mr. Smallwood said the rules specify "calendar days," and that is what the state has defined as well. If someone is wanting to file an appeal, they are usually here at this meeting and they let staff know they want to appeal so staff can discuss the process with them afterwards. They will have to be a little more diligent in that, explaining that they have 10 days instead of 30 to file an appeal.

Mr. Nay asked what happens if the 10 days ends on a Sunday, that would mean they've lost a Saturday and Sunday.

Mr. Smallwood responded that typically they would give them until the Monday, per the legal department

Mr. Farnsworth added that 10 days from a Tuesday is a Thursday, so that 10 days will never fall on a Sunday and will never be a problem.

Ms. Milkavich asked about when a resident is going to appeal, do they just have to turn in a statement with the request to appeal, or the fully developed argument.

Mr. Smallwood said that technically in the code it's laid out exactly what has to be provided, in the redline copy it's Section 17.16.030c, Application.

Mr. Lowry asked if this reduction from 30 days to 10 days will improve administrative capacity, or what the intent is behind the change.

Mr. Smallwood said the first reason is to be in line with the state code, but it also does have the potential to allow staff a little bit more time. This makes people really need to think and make a decision quickly if there is a legitimate issue. Largely, they don't receive many appeals, there has been one in the five years he has been with the city. There was one in the MCCD, but that was wrapping up when he started employment.

Ms. Milkavich is concerned with decreasing the timeframe, as residents who would be interested in appealing may not have the land use knowledge and it might take them more time to gather the information for the appeal. However, if we are in compliance with the state and how they are running things, then she sees why we would want to follow those same processes.

Mr. Smallwood agreed that not everyone has extensive knowledge about land use, but staff is available to discuss those things every day of the week.

Mr. Lowry said that those that are upset and want to file an appeal, usually decide the night of the decision and file the appeal right away. He doesn't want to short change residents, but if a party is aggrieved they will know, and they don't need to think about it for a long period of time.

Ms. Milkavich said they do need to gain knowledge to state their grievance well, and she thinks it's easy to say the public can go to the planners, but to residents, the city staff may feel more like the other party and not on their side.

Mr. Lowry said that they can only appeal if somehow the planning commission makes a mistake procedurally, for instance, if they voted against a written ordinance, etc. This body takes administrative action, not legislative action, so this is not necessarily a situation where someone can disagree with the land use; that is a city council decision, the planning commission doesn't make those types of decisions.

Mr. Smallwood said that for an administrative body, that is correct, The commission reviews the staff report, public comment, and they discuss the item. Nothing else can be used for the appeal, only the meeting records, which means that when someone files an appeal they can't make or present new claims or evidence. The residents need to do their homework before the planning commission meeting, and if they find something egregiously wrong or something that was missed by staff, that needs to be brought up here. If that changes the commission's perception or decision, and then for some reason someone else points out that the decision wasn't in the commission's scope, there could be situations where it would apply. By the time you get to the hearing officer, it is strictly based on what was presented here.

Ms. Milkavich said there have been two contested discussions about gas stations in the past few years. The first of which, the residents felt they wouldn't be able to insure their homes due to the proximity of the gas station and they felt that was some kind of legality. The commission didn't know, the information wasn't available to them. She asked to put the item on hold so they could investigate that further and see if it was a legitimate concern. When the second gas station came up, that issue wasn't brought up, but to her that seems like something that, if brought to the hearing officer, could be deemed legitimate information presented and ignored.

Mr. Smallwood said that yes, if that had been approved, and the residents appealed and showed the information presented and that they feel the planning commission made an error and shouldn't have approved it, and provided information regarding that, that could have been looked at more.

Mr. Lowry said whether you can or can't get insurance isn't a legal issue, but if there was an ordinance that said a gas station can't be within 500 feet of a residence, and the commission approved one within 400 feet of a residence and someone appealed that, they would probably have a reason to be sent to a hearing officer. It is not incumbent upon the planning commission to run down every piece of information that is shared. He wants to be satisfied that they are compliant with all the zoning ordinances. Insurance is a marketplace and there is a price associated with different risks, and it very well may cost more to insure a home with proximity to certain risks, but he can't imagine that would be a legal issue.

Mr. Smallwood said that's why it went nowhere, but if there had been something it could have been brought up.

Mr. Nay brought up the Murray 1st Ward and asked if the people that filed their appeal have standing with this new code.

Mr. Smallwood said that from his understanding of the appeal, he doesn't believe so as it was only one person.

Ms. Milkavich said that one person could have said they were affiliated with the church.

Mr. Smallwood said it wasn't a church anymore, it was a school. From what he remembers, it was only one applicant. He is not speaking as an attorney, or giving legal advice, but he doesn't believe that resident would have had standing even with the new rule. Staff recommends the planning commission forward a recommendation of approval for the text amendment to Section 17.08, 17.12, 17.16, 17.36, 17.52, 17.54, 17.56, 17.60 and 17.170 as reviewed in the staff report.

Mr. Lowry opened the hearing for public comment. There were no comments in person or submitted beforehand, and the hearing was closed.

Mr. Richards motioned for the planning commission to make a recommendation of approval to the city council of the proposed text amendment Sections 17.08, 17.12, 17.16, 17.36, 17.52, 17.54, 17.56, 17.60 and 17.170, as reviewed in the staff report. Seconded by Ms. Milkavich.

Roll call vote

<u>A</u>	Richards
<u>A</u>	Milkavich
<u>A</u>	Nay
<u>A</u>	Hacker
<u>A</u>	Lowry

Motion passed 5-0.

Mr. Nay motioned to adjourn the September 1, 2022 Planning Commission meeting at 7:50 p.m. Seconded by Mr. Hacker. A voice vote was made, motion passed 5-0.



Jared Hall, Director