

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES

TUESDAY, DECEMBER 11, 2007

Eagle Mountain City Council Chambers, 1650 E. Stagecoach Run, Eagle Mtn, UT 84005

Commissioner Maher called the meeting to order at 6:00 p.m.

Roll Call

Tom Maher, Matt Weir, John Linton, Ryan Ireland, Dean Preston

Others Present

Mike Wren, Fran Fillerup, David Adams

Staff Present

Planning Director: Peter Spencer
Senior Planner: Mike Hadley
Senior Planner: Steve Mumford
Planning Coordinator: Jenalee Harper
City Engineer: Chris Trusty

1. Pledge of Allegiance

Commissioner Maher lead the Commission and Audience in the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None

3. Status Report from City Council

Peter Spencer gave an update to the Planning Commission on the following items:

A. City policy on building use.

Peter Spencer explained that the City Council had recently adopted an ordinance on City Building use. Mr. Spencer explained that the ordinance only allowed the City Building to be used for City use, that church meetings, scout meetings & etc. can not be held in the City building.

B. Condemnation of easements for a new 138kv power line.

Mr. Spencer explained that the City Council had use eminent domain to condemn land along lake mountain road for a utility easement in which a power line would be running through.

Commissioner Maher asked how it came to the point of having to condemn land from homeowners for this power line.

Mr. Spencer explained that he was unsure of how long ago this specific corridor was chosen and was unsure of when the homes were built. Mr. Spencer explained that according to his understanding that this alignment for the power line was chosen because it affected the least amount of residents.

Mr. Spencer explained that he was not aware of all of the details but that he would find out more information and send out a follow up memo to the Planning Commission.

4. Development Items

A. Saddle Junction Preliminary & Final Plat - Public Hearing, Action Item

Mr. Spencer explained that it had been discussed with the applicant to table the Saddle Junction item to the January 15 Planning Commission Meeting. Mr. Spencer explained that the main reason for this decision was so that the project could all be planned out in one phase rather than have this project being done out in several phases.

MOTION: *Commissioner Linton moved that the Planning Commission table the Saddle Junction Preliminary & Final Plat as well as continue the Public Hearing to the January 15th, 2008 Planning Commission Meeting.*

Commissioner Ireland seconded the motion. Ayes:5, Nays: 0. Motion Passed.

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B. Carisma Carwash Site Plan – Public Hearing, Action Item

The Carisma Carwash is located along the western side of Ranches Parkway, just south of SR 73.

MOTION: *Commissioner Linton moved that the Planning Commission table the Carisma Carwash Site Plan as well as continue the Public Hearing to the January 15th, 2008 Planning Commission Meeting.*

Commissioner Ireland seconded the motion. Ayes:5, Nays: 0. Motion Passed.

C. Sweetwater Professional Plaza Site Plan, Public Hearing, Action Item

Steve Mumford explained that the Sweetwater Professional Plaza is located along Sweetwater Road, just east of Overland Trails 3A in the Commercial C-1 zone. Mr. Mumford explained that they are 6,000 sq ft professional office buildings, with 159 parking stalls.

Mr. Mumford explained that staff would recommend that the six stalls closest to Sweetwater road either be removed or replaced on the opposite side.

Mr. Mumford explained that any parking that is adjacent to a street or seen from the street is required by code to have a 3 ½ foot berm in between the street and the parking. Mr. Mumford explained that this is a condition of approval.

Mr. Mumford explained that fencing is required between commercial and detached residential. Mr. Mumford explained that the plans submitted showed fencing along the west side of the project. Mr. Mumford explained that the portion of the fence shown to the west of building 2 adjacent to the open space will need to be removed.

Mr. Mumford explained that there is a walkway that goes through the open space that is City owned and that there is also an unimproved detention pond. Mr. Mumford explained that the applicant has connected that walkway to their project.

Commissioner Maher asked how large that piece of City owned land is.

Mr. Mumford explained that it is approximately 2 acres.

Mr. Spencer explained that the trail was placed there to allow residents to have access just like the other trails throughout the City. Mr. Spencer explained that the trail being located where it is, isn't really useful if there is no access from the trail to the commercial center, therefore the applicant has incorporated the trail into their project.

Commissioner Ireland asked what the plans are for improving the trail and detention pond.

Mr. Spencer explained that it is like other areas of the City where the City would like to have it improved but the funds are not available to do so.

Mr. Adams explained that he had previously met with the Overland Trails HOA and that there had been discussion as to whether or not the residents could get permission from the City to improve the detention pond area/trail as their park. Mr. Adams explained that this might be something that the City may want to consider.

Mr. Spencer asked if there was any chance that the detention pond would ever go away.

Mr. Trusty explained that it will remain there unless it was built somewhere else and piped over to a different area.

Mr. Mumford explained that the applicant is required to dedicated 12 feet of right-of-way to the City. Mr. Mumford explained that they are also asking that the applicant improve their half of the street.

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Mr. Mumford explained that unless some other agreement between the City Engineer, City Administrator and the Developer can be made in regards to improving their half of the street then the City Attorney and Staff will keep the improvements as a condition on this item.

Mr. Spencer explained that requiring these improvements is not a new standard for the City. Mr. Spencer explained that that it is the same standard that you see throughout The Ranches along Pony Express Parkway and Ranches Parkway.

Commissioner Maher asked that Staff look at amending the development code so that it clearly states that if you are developing next to a major road then you need to make improvements along the street.

Mr. Mumford explained that there is a temporary access shown on the plans and that the Fire Chief has approved that to be a temporary access, until the next phase of the project is built and then there will be an actual permanent access.

Mr. Wren explained that at the preliminary stage this secondary access was not required because the area was a parking lot and that the Chief approved it without the secondary access. Mr. Wren explained that the reason the access was put in there was so that construction trucks can enter in through there and to keep the surrounding residents safe from construction traffic. Mr. Wren explained that he wanted it to be clear that this was not something required by the Fire Chief but rather something that they as the applicant wanted to put in.

Mr. Wren explained that they expect to build two buildings right away, and that there is doctor, dentist, and a small business interested in located their businesses in these buildings. Mr. Wren explained that their development offices will also be placed in one of these buildings.

Mr. Wren explained that they will be willing to comply with the 3 ½ foot berm being requested by City Staff.

Commissioner. Maher asked what type of fencing would be used.

Mr. Wren explained that it would be block wall on the west side.

Commissioner. Ireland asked why a property line was running through the middle of this project.

Mr. Mumford explained that both pieces of property are owned by the same property owner and that they have turned in a record of survey to the City that makes it know that they will move that property line down to the south.

Mr. Wren explained that they will be moving that property line before recordation.

Mr. Wren asked why they are being required to improve their portion of Sweetwater Road when no other development in City Center has been required to improve their portions that run along the majors roads. Mr. Wren explained that this should be a capital facilities item and that it should be done through impact fees. Mr. Wren explained that this is the developers argument with the City.

Commissioner Maher opened the Public Hearing at 6:35 p.m.

Commissioner Maher closed the Public Hearing at 6:35 p.m.

Commissioner Linton explained that he was concerned with the conditions that the Public Works/Parks Departments made. Commissioner Linton asked why are we requesting this of the developer today when it has not been requested for 10 years.

Mr. Spencer explained that at this time it is Staffs recommendation that the street improvements stay as a condition.

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Commissioner Ireland asked how long it would take for the Developer and the City to make a decision on the street improvement condition.

Mr. Spencer explained that this item will be going on a City Council agenda at the first of January and there should be an answer by then.

Commissioner Dean asked if the rear elevations were the same as the front elevations on these office buildings.

Mr. Mumford explained that they did receive all of the elevations and that the front and the back elevations look exactly the same, that they have the same number of windows and etc.

Commissioner Dean asked if the locations of mechanical equipment had been discussed with the applicant.

Mr. Mumford explained that this had not been discussed with the applicant.

Mr. Wren explained that they would be willing to put it in an area least visible to the public and that they would work out some type of screening.

Mr. Spencer explained that screening would be required to hide any mechanical equipment.

Commissioner Dean asked if berming/landscaping was considered sufficient screening according to the City.

Mr. Spencer explained that it does require this in addition to some type of visual screening like fencing or a partition.

Commissioner Dean asked if the two street lights in the first phase were residential street lights and if that was sufficient enough for safety throughout the entire project once it is built. Mr. Preston explained that he also did not see any building lighting shown on the plans.

Mr. Wren explained that they were under the impression that the lighting plan meant the sight lighting. Mr. Wren explained that there will be building lighting under the eaves.

Mr. Spencer explained that a lighting plan is required at the sight plan stage and that a more detailed lighting plan may be required. Mr. Spencer explained that Staff would review the plan to see what type of lighting the two lights shown will provide, if it is not enough the developer may have to submit a different lighting plan.

MOTION: *Commissioner Linton moved that the Planning Commission recommend approval to the City Council for the Sweetwater Professional Plaza subject to the following conditions:*

Public Works/Engineer Conditions:

1. **DEDICATION.** As shown on the site plan, 12 feet be dedicated to the City for additional right-of-way.
2. **STORM DRAINAGE.** Clarify the storm drainage and detention with the City Engineer.
3. **STREET IMPROVEMENTS.** The remainder of Sweetwater Road adjacent to this parcel shall be shown on the plans and improved to City Standards and Specifications, unless another mechanism of funding the right-of-way is agreed upon.

Fire Department Conditions:

1. **SECONDARY ACCESS.** Secondary access is suggested. The access shown on the site plan will work.

Public Works/Parks Conditions:

1. **STREET FRONTAGES.** The street frontages need to be shown in the plans – street trees and grass in the park strips, trail on Sweetwater, and all other landscaping.

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2. **MEDIAN LANDSCAPING.** At least a portion of the median shall be landscaped with this project. We recommend the entire median be landscaped.

Planning Conditions:

1. **FENCING.** The portion of the fence shown to the west of building 2 adjacent to the open space shall be removed.
2. **PARKING.** Staff recommends that the six stalls closest to Sweetwater road (2 in each parking area) either be removed or replaced on the opposite side.
3. **PARCEL LINES.** The applicant shall record a warranty deed that creates one parcel as shown on the submitted Record of Survey.
4. **BERMING.** The parking areas adjacent to Sweetwater Road shall be screened by a 3.5 foot landscape berm or some other appropriate form of screen. That berming or screening be provided to shield the view of mechanical equipment.
5. **LIGHTING.** That the lighting plan be reviewed.

Commissioner Weir seconded the motion. Ayes: 5, Nays: 0. Motion Passed.

D. Staff Proposed Development Code Amendments – Public Hearing, Action Item

Equine Overlay Zone

Mr. Hadley explained that last two paragraphs under the setbacks section in the Equine Overlay Zone had been re-reviewed by Staff and that Staff had decided to delete those two paragraphs. Mr. Hadley explained that after mapping the specifics out leaving those two paragraphs in would cause a lot of the lots to have unusable land.

Mr. Hadley explained that Staff has been directed to draft an Equine Overlay Zone Chapter in the Development Code due to the issue of allowing equine animals in residential select developments.

Mr. Hadley reviewed the current animal regulations table with the Planning Commission. Mr. Hadley explained that currently on the half acre to one acre lots the City does not allow any horses or mules. Mr. Hadley explained that it does currently allow llamas and donkeys.

Mr. Hadley explained that this is an overlay zone so that this will only apply to select areas of the City. Mr. Hadley explained that Staff feels that 2 horses max on a ½ to 1 acre lot would be sufficient for these overlay zone areas.

Commissioner Maher asked how this compares with other communities and the State.

Mr. Hadley explained that it compares favorably, Mr. Hadley explained that he had done a lot of research to find out what other communities codes said. Mr. Hadley explained that he had also spoken with the Utah County Health Department, and the USU Extension. Mr. Hadley explained that all the individuals that he had spoken with felt that what is being proposed is in alignment with what they have seen.

Commissioner Ireland asked if the overlay zone was only applicable to new construction.

Mr. Spencer explained that it can be placed over existing development and new development.

Commissioner Ireland asked how it would be decided whether or not the overlay zone could be placed in specific areas.

Mr. Spencer explained that it would be condition based and that it would need to go through the rezone process and taken to City Council for their review for either approval or denial.

Mr. Spencer explained that for example Overland Trails would be zoned Residential as well as Equine.

Commissioner Maher opened the Public Hearing at 6:53 p.m.

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Mr. Hadley reviewed an example diagram of what the setbacks in a homeowners yard would be if they were allowed in the Equine Overlay Zone.

Mr. Hadley explained that a barn could not be within 50 feet of an inhabited dwelling.

Commissioner Dean asked what would happen if a homeowner built his home and barn and then a neighbor came in wanting to build their home & barn, would they be limited to where they could place their home on the building pad because they would have to keep that 50 foot distance in between their home and the neighbors barn.

Mr. Spencer stated that this was a valid point and would the City be able to say no you cannot build your home here because it will be too close to your neighbors barn.

Mr. Hadley explained that the homes in these types of areas have 50 foot setbacks so there should not be a problem when it comes to the distance between neighbors homes and barns.

Mr. Hadley explained that other City's overlay ordinance also measured the distances from neighbors homes.

Commissioner Dean suggested that anything mentioning inhabited dwellings should be eliminated due to the fact that it could cause potential problems for lot owners who have not built their homes yet. Commissioner Dean also suggested that the code just state that the setbacks for these lots that will have the equine overlay zone have a 50 foot rear setback and 25 foot side setbacks, and that by doing this it would eliminate the potential problem for where a home can be located on a lot.

Commissioner Ireland asked what would be done about setbacks for the already existing developments that will have this new overlay zone placed over them.

Mr. Hadley explained that the Overlay Zone would take precedent over the existing code when any conflict arises within the development. Mr. Hadley explained that an accessory structure paragraph could be added to the overlay zone chapter.

Commissioner Dean asked if the setback could be changed from 50 to 25 feet.

Mr. Hadley explained that it is at 50 feet because of the reasons that the health department gets contacted for such as smells, flies, waste, etc.

Mr. Hadley explained that they would be required to submit a site plan for the process.

Commissioner Ireland asked why llamas were included on the overlay zone chart.

Mr. Spencer explained that they were included because they were in the equine family.

Commissioner Linton explained that he would like to see the type of animals narrowed presented narrowed down to the sporting type of animals such as horses.

Mr. Fillerup explained that SITLA is opposed to the current Equine Overlay Zone being proposed. Mr. Fillerup explained that he had also done research and spoken with the Health Department and the USU Extension and that he was under the impression that they were not in favor of having horses on ½ acre to 1 acre lots.

Mr. Fillerup also suggested and that different regulations be looked at for manure pile up and the effects on the ground water.

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Mr. Fillerup explained that they would like to see these Equine Overlay Zones on subdivision connect in a way that it is useful for residents so that they don't have to load a trailer up to drive somewhere, rather make it so that they can get on their horses from home and ride on the equestrian trails.

Mr. Fillerup explained that they would ideally like to see at least a 1 ½ acre requirement for their to be any horses allowed on a lot.

Mr. Wren explained that the Overland Trails subdivision when it was originally constructed was granted horse rights for ½ acre lots. Mr. Wren explained that a few years went by and the City came up with this animal rights table which literally stripped the animal rights away from the residents in Overland Trails. Mr. Wren suggested that the rights should be restored to the Overland Trail residents if this Equine Overlay Zone is approved. Mr. Wren explained that this should not be done at the expense of the homeowners but rather the City.

Mr. Spencer explained that when the Equine Overlay Zone gets adopted Staff would also propose the rezoning of some specific subdivisions such as Overland Trails in the City.

MOTION: *Commissioner Linton moved that the Planning Commission table Equine Overlay Zone and Public Hearing to the January 15, 2008 Planning Commission Meeting.*

Commissioner Ireland seconded the motion. Ayes: 5, Nays: 0. Motion Passed.

Fencing

Mr. Mumford explained that this item is being presented because a project was passed a few months ago in the industrial zone for a site plan and they had originally proposed chain link fencing for around their project and the City did not allow chain link in the industrial zone so the City Council directed Staff to look into changing the code to allow for chain link in the industrial zone.

Mr. Mumford explained that staff is proposing that chain link be allowed in industrial areas, clarifying the code concerning chain link fencing for detached residential lots, prohibit chain link fencing in multi-family and commercial areas and require additional space in between sidewalk and fence to improve maneuverability and aesthetics.

Mr. Mumford reviewed the following industrial fencing amendments with the Planning Commission.

1. That there is a maximum height of 8 feet for all fencing in industrial areas.
2. That chain link fencing is allowed no closer than the front wall of the building (and the side wall of the building on a corner lot)
3. Where chain link fencing is visible from the street or parking, additional landscaping is required between the street/parking and the fence.
4. That all chain-link fencing shall be vinyl-coated in industrial areas.
5. That the Planning Commission or City Council may require a sight-obscuring fence to screen outdoor storage.

Mr. Mumford reviewed the following general fencing provisions with the Planning Commission:

1. That Commercial fencing shall be no higher than 6 feet; chain link fencing is prohibited.
2. That residential fencing shall be no higher than 6 feet.
3. That for miscellaneous properties/uses the fencing height and setbacks are to be determined by the Planning Director based on compatibility with surrounding uses.
4. That fencing along streets shall be set back: 4' high = 3ft setback; 5-6' high = 6 ft setback. (setback provides more room for pedestrians/bikers, and trees and shrubs rather than weeds.)
5. That the recommended fencing materials are masonry, cedar, and decorative iron; others may be approved if permitted by HOA.

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Mr. Mumford explained that most of the fences in the Ranches area were set back 2 to 3 feet from the sidewalk. Mr. Mumford explained some areas were landscaped with grass, some with shrubs.

Commissioner Maher explained that he would be concerned that if these areas were left to be maintained by the HOA's that they would not be maintained and that they would eventually become an eyesore.

Commissioner Dean asked if there was a minimum park strip width.

Mr. Mumford explained that the minimum width is 5 feet for local streets and that that number increases as the streets get larger.

Commissioner Linton explained that Staff should be cautious in excluding chain link from residential neighborhoods because some residents may have tennis/basketball courts and may be well within right to put up tall chain link fencing around them.

Mr. Mumford explained that they would take note to add something into the chapter about sport courts.

Mr. Spencer explained that instead of asking for the three feet and six feet minimum standards that they could change it to 2 feet and 4 feet.

Mr. Mumford explained that in some other City standards that have been looked at, depending on the height of the fence you were going to build you had to have a certain setback, for example the higher the fence the larger the setback would from the sidewalk to the fence.

Mr. Spencer showed the Planning Commission different examples of fencing within Eagle Mountain City.

Commissioner Dean said that if there was a wider park strip that he did not see it necessary to have such a large fencing set back from the sidewalk.

MOTION: *Commissioner Linton moved that the Planning Commission table the Fencing to the January 15, 2008 Planning Commission Meeting.*

Commissioner Ireland seconded the motion. Ayes: 5, Nays: 0. Motion Passed.

Street Trees

Mr. Mumford explained that Staff is proposing to have the Developer pay a fee up front for all of the street trees in their subdivision which could be done per phase or overall.

Mr. Mumford explained that the fee would be determined by the City Engineer, and that Staff could be sent out to install the trees or that it could be contracted out to another company. Mr. Mumford explained that the trees would be installed at 80% of street occupation.

Mr. Mumford explained that the money would be held in a street tree fund. Mr. Mumford explained that this would also be a part of the Development Agreement with each subdivision.

Commissioner Linton asked if the money could be obtained at building permit level so that the street trees could be put in immediately rather than waiting for 80% street build out. Commissioner Linton asked if the street tree could be added as a requirement on the final inspection of a home.

Mr. Spencer explained that the developer could be required to install the trees as a basic improvement just like curb and gutter are. Mr. Spencer explained that the fee could also be acquired up front from the developer and that the City would install the trees at the 80% street build out.

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Commissioner Linton explained that he does not want to see the street tree money collected and then spent elsewhere by the City.

Mr. Spencer explained that Staff thinks that it would be easier if the fee was collected up front from the developer.

Commissioner Ireland asked if ten years down the road a street tree dies, who would be responsible for replacing the tree.

Mr. Spencer explained that it would be the homeowners responsibility. Mr. Spencer explained that the street trees are not currently being enforced but that if the park strip is just dirt the City will enforce that grass needs to be put in.

Commissioner Linton explained that if a street tree dies it should be the homeowners responsibility to replace that tree with one similar to the original one.

MOTION: *Commissioner Linton moved that the Planning Commission table the Street Trees to the January 15 2008 Planning Commission Meeting.*

Commissioner Ireland seconded the motion. Ayes: 5, Nays: 0. Motion Passed.

Transitioning

Mr. Mumford explained that the existing code for transition is one acre, road, half acre, quarter acre. Mr. Mumford explained that Staff had written down the Council's comments and tried to incorporate all of them into this document.

Mr. Mumford read the following code to the Planning Commission:

In order to be reviewed by the Planning Commission and City Council, an alternative proposal must meet the following criteria:

1. **Justification:** The applicant shall provide justification why the proposed alternative meets or exceeds the current standard and would be more beneficial to the City and/or the adjacent neighborhoods.
2. **Noticing:** The current City noticing requirements shall be met. A public hearing shall take place at both the Planning Commission and City Council.
3. **Neighborhood Meeting:** The Planning Commission or City Council may require the applicant to organize and attend a neighborhood meeting with adjacent homeowners.

For an alternative proposal to be approved, it must meet the following approval criteria:

1. **Meet Intent:** Alternatives must meet or exceed the intent of this code and be more beneficial to the City and/or the adjacent neighborhoods than the current standard.
2. **Land Transitioning and Visual Screening:** An alternative plan must provide a combination of land transitioning and visual screening.
3. **Screening Elements:** Any open area used as transitioning shall include a combination of such elements as berming, landscaping, screening/fencing, trees, trails, and/or other features.
4. **Other Factors:** Topography, natural features, road alignment, economic development, the General Plan map, and other factors shall be considered when reviewing an alternative plan.

Mr. Spencer explained that this will allow the developers to be creative with their proposals.

Commissioner Maher explained that the proposed transitioning will be too restrictive on developers.

Mr. Mumford explained that the intent of this code is to prevent negative impacts on residents and the City.

Commissioner Maher opened the Public Hearing at 8:15 p.m.

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Mr. Fillerup asked if the transitioning requirements would still be required with this new code change.

Mr. Mumford explained that the size transitioning would still need to be followed.

Commissioner Maher closed the Public Hearing at 8:19 p.m.

The Planning Commission asked that the Justification reads: The intent of these standards is to protect existing developments from negative impacts of inconsistent or incompatible densities or uses.

MOTION: *Commissioner Linton moved that the Planning Commission recommends approval to the City Council of the Transitioning Requirements with the following changes.*

1. That Item #1, Meet Intent uses bullet point one on page one in lieu of the verbiage under met the intent. As well Item #1, Justification.

Commissioner Ireland seconded the motion. Ayes: 5, Nays: 0. Motion Passed.

5. Other Business

2008 Planning Commission Meeting Schedule – The Planning Commission reviewed and approved the 2008 Planning Commission Schedule.

6. Adjournment

Commissioner Maher adjourned the meeting at 8:25 p.m.