

TOOELE CITY PLANNING COMMISSION MINUTES
March 25, 2009

Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele Utah

Commission Members Present:

Ken Spence, Chair
Shawn Milne
Phil Montano
Bob Gowans
Fran Garcia
John Curwen
Gary Searle

City Employees Present:

Rachelle Custer, City Planner
Roger Baker, City Attorney
Cary Campbell, Public Works Director
Dave McCall, City Council Representative

Others Present:

Debbie Winn, Chamber of Commerce

Minutes prepared by Elisa Jenkins

The meeting was called to order by Chairman Spence at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Milne.

2. PUBLIC HEARING and RECOMMENDATION on conditional use permit to construct a community learning center at 200 South Tooele Blvd by Tooele School District.

Presented by Rachelle Custer

Ms. Custer explained that Tooele School District is proposing to construct a 62,896 sq ft community learning center on 8.32 acres located in the Tooele City Commercial Park at approximately 200 S Tooele Blvd. This building is a public education facility therefore it requires a conditional use permit. The building will be used for technical/vocational classes and Tooele South campus will be moved into this building. This building will be used by high school students as well as adult learning. There are some conditions in the staff memo and one is in regards to a solid screened fence but administration feels the way the building is oriented and the way the landscaping will be it should not pose a

problem with headlights shining into the residential homes. There is also a fire lane in between the building and the residential homes. The parking will be directed away from the residential homes as well. Administration and the district do not feel that a solid screened fence is necessary and a chain link fence will be installed. Staff recommends approval of this conditional use permit with the following conditions:

1. A chain link fence is installed on the East side of the property.
2. All lighting on the property is directed down onto the site.
3. All mechanicals must be screened.

Ms. Custer indicated that the mechanicals on the roof will be colored to match the exterior of the building and the mechanicals on the ground will be screened with landscaping.

Commissioner Gowans disclosed that he is an employee of Tooele School District.

Commissioner Montano asked if 200 South will go straight through to Tooele Boulevard.

Ms. Custer said yes.

Commissioner Montano asked how wide Tooele Blvd is now.

Ms. Custer indicated that she was not sure of the width of that road at this time. The portion of road that Tooele School District will be constructing is 50' of asphalt.

Commissioner Montano asked if curb and gutter will be installed on the other side of the road.

Ms. Custer stated that Tooele School District is requesting an exception from the City Council to only construct their half of the road. City Code allows exceptions on roads that are larger than 66'. This road is platted to be 106'.

Commissioner Montano stated that it seems that this situation comes up regularly and some developers are required to complete both sides of the road and some developers are only required to complete their side of the road. He understands that it is up to City Council to decide. He is familiar with this area and there are parts of Tooele Blvd that are very narrow at this time.

Ms. Custer indicated that the part of Tooele Blvd that Tooele School District will be constructing will be wider than what is currently constructed.

Commissioner Montano indicated that where Tooele Blvd originally comes off of Vine Street there is currently curb and gutter on both sides. It is very narrow. He asked if it will be widened after that point of the road.

Ms. Custer said yes.

Commissioner Montano stated that Tooele Blvd will be narrow and then widen. He asked if the part of the road that already has curb and gutter will remain the same or will they widen that part as well?

Ms. Custer stated that they are only improving the part of the road that abuts their property.

Mr. Baker stated that the City Council in November of 2008 amended the street improvement requirements for streets larger than 66' in width, and some particular name streets including Tooele Blvd. It allows the Council to exempt certain applicants from some of the road requirements because of the nature of the roads. Because of the width of the roads it was appropriate not to impose the entire cost of improving the road on one developer. That is now in the City Code.

Chairman Spence said that it is his understanding that the developer still has to get approval of the exception from City Council.

Mr. Baker said that it is not automatic. The developer has to provide a written application for the exception and it has to be approved at a public meeting.

Commissioner Montano noted that 200 South is straight.

Ms. Custer said that they will transition 200 South into Tooele Blvd.

Commissioner Montano asked how wide 200 South was.

Ms. Custer indicated that 200 South is a 66' right-of-way. Parts of 200 South are not fully improved. The School District will only be improving what abuts their property.

Steve West with Tooele School District addressed the Commission. Mr. West stated that they have been working closely with the City Engineer on the roads that abut their property. He indicated 200 South just before 900 S makes an abrupt turn and goes directly north. They are working with the City to tie that road in straight. They will make the flow of traffic better. He also said that they will be putting in curb and gutter on both sides on a portion of 200 South and it will tie it into Tooele Blvd. He also indicated that they will connect Melburn Drive into the property as well. They are looking at three accesses to their property, 200 South, Tooele Blvd and Melburn Drive. He feels like there will be good traffic flow in and out of the school. He reiterated that they are working closely with the City Engineer on the roads to make sure they have good traffic flow.

Commissioner Montano indicated that Melburn Drive runs into the industrial park. All traffic will have to exit out 200 South or Tooele Blvd.

Mr. West said that they will tie the asphalt in from the building that they lease into Tooele Blvd.

Commissioner Montano said that Tooele Blvd curves around and eventually ties into Vine Street and there is a portion of the road that is very narrow. He is concerned about that narrow portion of the road.

Chairman Spence asked if they are paving to the center line of the right of way.

Ms. Custer said yes.

Mr. Baker asked Ms. Custer if the staff is no longer recommending a solid screened fence as a condition of the conditional use.

Ms. Custer said yes.

Mr. Baker also asked if staff is no longer recommending that the mechanicals be screened as a condition of the conditional use. They will be painted to match the building.

Ms. Custer said yes. She said that the mechanicals on the rood will be painted to match the building and the mechanicals on the ground will be screened with landscaping.

Commissioner Montano thought that it was a requirement that the mechanicals be screened or covered.

Ms. Custer said that it is a requirement, but the School Districts by the State are exempted from that requirement.

Chairman Spence stated that this is a public hearing if anyone would like to come forward and address this issue

Leon Salisbury, 631 W 1000 South, addressed the Commission. Mr. Salisbury asked if there will be a fence around the property. His home is on the east side of this proposed development.

Ms. Custer stated that there will be a chain link fence along the east side of the property. There will be fire lane along the east side of the building and there will be trees to screen from the residential homes as well.

Ms. Salisbury asked if this building will be used for an alternative school.

Ms. Custer said no. She said that part of the building will be used for the Tooele South Campus, which is another campus for children who do not attend Tooele or Grantsville High Schools. Adult education will also be moved into this building as well.

Commissioner Milne suggested that the landscaping on the eastern side of the property be evergreens instead of deciduous trees to help with the noise abatement.

Ms. Custer indicated staff has suggested that.

Commissioner Milne also thanked the School District for the partial screening of the mechanicals when they are not required to do so.

Mr. Baker wanted the Commission to understand that while the State law creates for school districts certain exemptions from requirements that are normally imposed upon developers, such as the fencing and screening, this is not a typical development transaction. This is RDA owned property, that the RDA is donating to the School District. The RDA might impose these same conditions as part of the land purchase or land conveyance. While some of the conditions might not be imposed as part of the conditional use process it may not be the end of the discussion in regards to the RDA.

Commissioner Milne moved to close the public hearing. Commissioner Gowans seconded the motion. All members present voted “Aye”. The public hearing closed at 7:20 p.m.

Commissioner Garcia moved to approve the conditional use permit to construct a community learning center at 200 South Tooele Blvd by Tooele School District with the following conditions:

- 1. A chain link fence is installed on the East side of the property.**
- 2. All lighting on the property is directed down onto the site.**
- 3. All mechanicals will be color screened to match the building.**

Commissioner Milne seconded the motion. All members present voted “Aye”.

- 3. PUBLIC HEARING AND RECOMMENDATION on general plan amendment to allow GC and MU-G zoning district on 20 acres currently zoned R 1-12 located at 3200 N Hwy 36 by Home Credit Corp and Eagle Springs Development.**

Presented by Rachelle Custer

Ms. Custer indicated that she will introduce items 3, 4, and 5 together but they do need to be separate votes.

Ms. Custer explained that Home Credit Corp and Eagle Springs development have requested a general plan change from medium density residential to general commercial to allow for a zoning change from R1-10 to GC and MU-G. She indicated that this is the same layout that was brought before the Commission before regarding the Eagle Bend Subdivision. Home Credit Corp and Eagle Springs development have requested the change stating that the rezone will:

1. Facilitate recovery of the property owners investment and future installation of the City's infrastructure requirements for the Eagle Bend subdivision.
2. Provide continuity and participation with Tooele County in commercial development at the future lighted intersection at approximately 3400 N Hwy 36.
3. Provide an opportunity for adequate transition from existing commercial zoned property in Tooele County.
4. Provide installation of city infrastructure to the northern Tooele city limit.

Staff recommends against the requested general plan amendment and rezone for the following reasons:

1. The current general plan designation (medium-density residential uses) and current zoning designation (R1-10) are an appropriate transition from areas zoned general commercial to the south into areas zoned rural residential and agricultural to the north, well as medium-density residential uses planned to the west. Commercial development on this property would deprive the City of the opportunity to provide an adequate transition with the more rural lots in the County.
2. Commercial uses on the subject property would only increase an already huge commercial area to the south, creating an inventory of commercial property far in excess of what City officials believe Tooele City needs or can absorb in the foreseeable future.
3. Were this property to develop with commercial uses, it would result in the further attenuation of Tooele City's commercial corridor, pulling commercial activity further north away from Tooele City's commercial and residential cores.
4. Commercial viability (i.e., what will sell today) may be a consideration in planning through a general plan and zoning ordinance, but it is neither the only nor the primary consideration. While Tooele City does not seek to diminish a property's value or commercial viability, neither does the City promote this consideration above considerations of sound planning, such as those mentioned above.

Chairman Spence asked when this came before the Commission before?

Ms. Custer indicated it was in November of 2008.

Chairman Spence stated that this is a public hearing if anyone would like to come forward and address this issue.

Don Ballard, 1455 E 2100 South, SLC addressed the Commission. Mr. Ballard is the Executive Vice President of Home Credit Corporation. He said that the previous owner of this property, Blue Water, lost the property in foreclosure on January 2, 2009. The petition for the rezone is the same as it came before the Commission in November, except

for one of the owners. The five acre parcel identified as parcel B is owned by Eagle Springs development. He recalls a lengthy discussion in November and the Commission made a favorable recommendation with 5 members in favor and 2 against. He explained that Home Credit Corporation is a bank holding company and their bank is called Home Savings Bank. They have been lending in Tooele County for over 25 years. Mr. Ballard has had some previous discussions with Mr. Baker regarding this re-zone. It was suggested to him to re-file the requested re-zone because there is a new owner.

Mr. Ballard wanted to review the staff notes that Ms. Custer read earlier. Their number one reason for the rezone is to facilitate recovery of the property owners investment and future installation of the City's infrastructure requirements for the Eagle Bend subdivision. He said that one of the reasons that the owner lost the property in foreclosure was because the City's infrastructure requirements made the project unfeasible, particularly the extension of the water line from Home Depot, the drilling of the new well and water storage tanks. Economically it made the project unfeasible, and that was prior to the meltdown of the current real estate market. He feels if the property is zoned commercial it will help enable the completion of the infrastructure. Their second reason for the rezone was to 2) Provide continuity and participation with Tooele County in commercial development at the future lighted intersection at approximately 3400 N Hwy 36. He indicated that 3400 N is one of the lighted intersections on SR 36, and it will create a major east west corridor as it comes off of Droubay Rd and runs down 2400 North to Sheep Lane. Mr. Ballard indicated that 3400 N is slated for a divided highway. Trax is also slated to run through this area before ending up at up at the Larry Miller Raceway. The area is also slated for a trail system. He said that the intersection at 3400 N and SR 36 will become a large intersection in the future. He stated that the County has 100 acres at this intersection that is zoned Commercial. The County is also contemplating rezoning some additional acreage on the northwest part of the intersection. The property along SR 36 is currently zoned MU-G from the south end of town almost to their property. There was some indication that their needed to be some kind of transition from the commercial property from the south to their property to the north. He said that this intersection is already zoned commercial by the County and doesn't feel that you can transition it to a rural setting. He said this will help provide the installation of the infrastructure and that would be a benefit to the City.

Mr. Ballard said that he has looked for years to purchase property in downtown to build a branch and finally purchased property on 500 North and was not happy with it so he sold it. They tried to find property in between 500 North and 1200 North and have not been able to find a suitable piece. In the Tooele Transcript recently Mr. Ballard read an article that indicated that the future of Tooele is north of the viaduct, property downtown is very limited. He also indicated that Debbie Winn with the Tooele Chamber of Commerce supports the re-zone. He also read in the Transcript that Jan Clegg, and Nicole Klein were also in favor of the re-zone. He said that the commercial zone would allow a buffer to the remaining residential to the west.

Mr. Ballard indicated that this project will do some positive things for the City. They will be developing a new well for the City and they feel that will become a valuable asset.

They will be creating water storage facilities, water distribution, and easements. They have already brought sewer to the west property and line and will continue to bring the sewer into a new area of the City. He said that new roads will be built. He said that they will be donating property for the new realignment of 3400 North. They will have some landscaping requirements that will be imposed on them as a result of the commercial zoning which will make it look nicer than a sound wall with residential behind it.

Mr. Ballard showed the Commission an overhead on the screen of the Tooele County zoning in this area of 3400 North. UDOT has indicated that there will be limited access from SR-36 and the accesses will be at major intersections and lighted intersections. There is a commercial zone across from their property. Mr. Ballard also showed the Commission an overhead of their property and the buffer from the other residential property. He said that there has been some discussion of to where the new road will go west of SR-36. He said that Cimmaron Road will be terminated and 3400 North will be the access to SR-36. He showed some overheads of what their property could look like. He showed some possible development plans to the Commission as well. He said that there were some questions by the staff as to viability of this property. He indicated that they feel that property north of the viaduct is extremely viable. The commercial property is much cheaper. He believes that 3400 N will become a major intersection for Tooele City.

Commissioner Montano said it is his understanding that this project will include putting in a well and the water tanks.

Mr. Ballard understands that this property cannot be developed unless they put the City infrastructure in.

Mr. Baker indicated that if the City Council approves the re-zone that it be conditioned upon the requirements of the Eagle Bend re-zone. Depending on the uses, the City might re-examine the water and sewage demands. They would want to make sure what infrastructure is needed.

Mr. Ballard stated that the Eagle Bend subdivision will not go forward without this re-zone. The infrastructure requirements for this subdivision were not economically feasible.

Commissioner Montano thought that 3400 North was a right-of-way originally.

Mr. Ballard said that it was an old railroad right-of-way and as it approaches SR 36 the right-of-way needs to be realigned. The property on all four corners needs to be realigned. He has been informed that the County will begin funding construction of portions of the road as early as next year.

Mr. Baker said that the old railroad right-of-way is about 200' wide. It is in the City limits, it was annexed in 1995. He said that this is the first time that he has heard that the

County is going to fund construction of portions of that road in such an immediate time frame.

Mr. Ballard said that Mr. Cox has had a conversation with the County and he has information regarding the road.

Mr. Baker stated that Mr. Ballard had indicated that he had made some suggestions to him and he would like to include with the minutes the written correspondence that he has had with Mr. Ballard so it is clear what has been suggested. (This is included with these minutes as Exhibit A).

Brian Cox, 727 W. 3460 N, Erda addressed the Commission. Mr. Cox wanted to respond to the staff recommendations. He distributed a copy of his comments in response to the staff recommendations to the Commissioners. (A copy is attached to the minutes as Exhibit B.) He reviewed his comments with the Commission.

Mr. Cox stated that the staff has indicated that “this rezone would deprive the City the opportunity for an adequate transition of Rural Residential and Agricultural on the North to Commercial on the South”. He feels that this is not correct. The area directly to the North is currently in the process of being rezoned to Commercial. Additionally, the land to the East of Eagle Bend is currently zoned Commercial. Mr. Cox also indicated that staff has stated the Commercial uses on the subject property would detract from Tooele City’s commercial corridor”. Further, it was stated that “this would be in excess of what Tooele City needs can absorb”. He knows that there is acreage south of the viaduct but he does not feel that it could support a big commercial user. He feels that this commercial property is much needed in Tooele. Mr. Cox stated that Eagle Springs has a strong continued interest from a Mortician in buying their land and developing a mortuary on their property. He also stated that there is a home at the corner of Cimmaron Way and Hwy 36 that has been for sale for approximately two years. There are not many people who want to live on a busy highway. He does not feel that it is attractive for a City to allow residential homes, right next to businesses on Main Street. He stated that when companies come looking for the right place to locate a business, they are looking for very specific things, and the most important thing is location. He indicated that he has been in discussion with two different hotels that want to build on this property. Mr. Cox was informed by Vern Loveless from the County that the frontage road that continues through Stansbury Park is master planned to tie into 280 East. Mr. Cox was also informed by Mr. Loveless that Miller Motor Sports Park is ready and willing to fund the road from wherever the Midvalley Highway end up over to Sheeps Lane to facilitate traffic into their facility. He said that Jesse Lasley, who owns property on the east side of Hwy 36, has indicated to Mr. Loveless that he is willing and anxious to get the stretch of the east/west corridor from Hwy 36 to Droubay Road done. Mr. Loveless indicated that the County is planning a road from Pine Canyon and Droubay Road via an overpass just east of Copper Canyon Elementary and connecting at approximately 3000 North and Hwy 36. Mr. Cox indicated that given the inevitable growth patters and increase traffic flow, the only prudent and sensible use for the subject property is Commercial. He stated

that if Tooele City chooses not to participate in the commercial district, Tooele County will surely capitalize on the opportunity.

Mr. Campbell asked if Mr. Loveless told Mr. Cox what infrastructure the County will be putting in.

Mr. Cox did not know.

Commissioner Spence commented that there are businesses interested in property south of the viaduct. He also noted that there could be several reasons for the house on Cimmeron Way to not have sold yet.

Mr. Cox stated he doesn't feel that people want to live right on the highway.

Jeff Crevling, 4230 S Diana, Salt Lake City addressed the Commission. He showed the Commission an overhead of their property and the County's zoning.. He stated that there has been two major roads discussed for the future one is the Midvalley Highway and the other is the east/west corridor which is the Tooele Valley Parkway. He said that the Tooele Valley Parkway is the road that will run along their north property line. He said that a PUD has been approved for property by the Larry Miller Raceway and they are breaking ground for the first phase of their project and it is zoned Commercial. (He received this information from the Economic Director for Tooele County.) He said that the future of the 3400 N corridor is not only the road but also trails and it is slated to have Trax in the future. He said that the Trax stations generate a lot of interest and would be more successful with a commercial zone. He said that Tooele County already has their commercial property in place. Three of the four corners at the 3400 North intersection will be commercial. Something other than residential needs to be in place for long term planning for Tooele City at the 3400 North intersection.

Blade Bleazer, from Erda addressed the Commission. He is partners with Brian Cox and the Eagle Springs development. He is also a current business owner north of the viaduct. He is a future business in the Northpoint Medical Complex that is under construction. He wanted to thank the Planning Commission for favorably looking at that complex, the City has been very helpful. He said that Northpoint Medical supports this re-zone, they support having businesses to that area. They are also very interested in the residential that will be built to the west of the rezone. They are interested in the Eagle Bend subdivision to be built to bring more families to the medical complex. They know that that won't take place until the re-zone takes place. He said that the County has already planned for Commercial along the 3400 North intersection. He does not foresee residential homes being built right along the highway. Most residents do not want to live on a highway. He supports the re-zone.

Debbie Winn, with the Chamber of Commerce addressed the Commission. She stated that her job is to promote economic development and promote businesses. She said that anything that will crate more business in this area she would support. Ms. Winn said that the public needs to be educated on how businesses directly impact an area. Businesses

pay taxes and create retail sales tax; this is what makes a City run. She currently serves on the Tooele County Economic Development Advisory Board and within the last year the County secured a grant to hire a company to do an economic development feasibility report for the County. This report showed specifically that the 3400 North and SR 36 area should have a clustering of commercial businesses. They were opposed to a big long strip mall, that a cluster of businesses would be the best way to develop this area. She recalls in Mayor Dunlavy's State of the City address, he said that the one of the top priorities was to promote economic development and business. Citizens and residents do not want their property taxes to go up so the best thing to do is to bring in the business to help with the taxes. She said that it would be in the best interest of the citizens for the City officials and the County officials to get together and find out what the other is doing. She said that it would be in best interest of everyone for the City and the County to work together.

Commissioner Spence closed the public hearing at 8:15 p.m.

Commissioner Milne stated that he is strongly opposed to this re-zone as he was before. He stated that he is not against a nodal type of commercial development on this property. He strongly feels that the City and the County needs to know what each other are doing. The City does not know what the County is doing with this intersection. He would feel more comfortable tabling this issue so the Commission can have all the facts regarding this intersection before they vote on it. He is not in favor of passing it as it is.

Commissioner Montano stated that he is not in favor of tabling this item. He said that the railroad right-of-way will go west. That road will go west. This development is offering to put in the infrastructure for the City.

Commissioner Milne noted that they only need the infrastructure because they want to build there.

Commissioner Montano said that if they turn this development down the County will develop and the City will loose out on that tax base.

Commissioner Milne noted that Stansbury only has Main Street to develop on. Tooele will also have an east/west corridor that is being developed and that is 1000 North. The development off of Sheep Lane is going to make a natural intersection on SR 112. SR 112 is going to turn into 1000 N and 1000 No will hook into Main Street. He is not suggesting that the Commission not approve this but he feels like they do not have all the necessary information to move forward.

Commissioner Montano noted that Commissioner Milne has a valid point with 1000 North. He feels that the Commission governs too much. He feels that the developer should decide where he wants to develop. The developer will go where the most exposure is. He feels that the developer should decide.

Commissioner Milne respectfully disagrees. He stated that before September 2001 they thought that Tooele Boulevard was going to be to full build out and going to be a route around Main Street. That has impacted some of the things that the Commission has done. That has clearly changed the view of the Commission. He said that until they know what the County is doing and how soon the proposed road will be built he feels that they are jumping ahead to quickly.

Councilman McCall indicated that it is odd to him that the City does not know what the County is doing. What the County does will impact Tooele City. The governing bodies need to communicate. He said it would be nice to have a plan with the County then the Commissioners concerns could be addressed.

Commissioner Curwen noted that if the County does not build that road he feels that this property would be better as commercial property.

Commissioner Gowans asked where the access point be if the County does not build the road? Would it be Cimmeron?

Commissioner Curwen said it would have to be Cimmeron.

Mr. Baker said that there is an existing driveway for the house that they would have to allow for an access point as well as Cimmeron.

Commissioner Searle stated that he has been the biggest opponent of strip malls. He does not feel that this project is a strip mall because it is 600' – 700' deep. He noted that the County already has their property zoned as commercial. He said that homes do not create a tax base. He said that as Erda and Stansbury continue to grow not as many people will come into Tooele to shop. People will shop where they live.

Commissioner Milne said that he agrees with Commissioner Searle. He agrees that the valley is growing and Stansbury and Lakepoint will continue to have commercial businesses coming in.

Commissioner Searle said that it will be a short amount of time before Tooele does not have the corner of the market for a grocery store.

Commissioner Montano agreed that the City and the County needs to communicate, but they have not been communicating together for years. He recalled some instances in the past when they did not communicate.

Commissioner Montano stated that this decision would be easier if the Commission knew in the master planning capacity what was designated for the 3400 North intersection. He would like the City to know better what is going on. City Council will make the ultimate decision. He is not trying to shoot this down. He also feels that 1000 North will bring some developments into Tooele City which is still commercial growth and tax base.

Chairman Spence indicated that he was against this proposal before. He stated that if he felt that preservation of the residential areas was a reality he would fight harder to preserve it. He feels that commercial development pushed north is inevitable. He said that responsible development is what they need to focus on. He also feels that property 600' in depth is not a strip mall.

Commissioner Milne moved to table the recommendation on a general plan amendment to allow GC and MU-G zoning district on 20 acres currently zoned R 1-12 located at 3200 N Hwy 36 by Home Credit Corp and Eagle Springs Development.

Commissioner Garcia seconded the motion. The vote was as follows:

Ken Spence, "Nay"
Shawn Milne, "Aye"
Phil Montano, "Nay"
Bob Gowans, "Nay"
Fran Garcia, "Aye"
John Curwen, "Nay"
Gary Searle, "Nay"

The motion did not pass.

Commissioner Searle moved to make a favorable recommendation on a general plan amendment to allow GC and MU-G zoning district on 20 acres currently zone R 1-12 located at 3200 N Hwy 36 by Home Credit Corp and Eagle Springs Development.

Commissioner Montano seconded the motion. The vote was as follows:

Ken Spence, "Aye"
Shawn Milne, "Nay"
Phil Montano, "Aye"
Bob Gowans, "Aye"
Fran Garcia, "Nay"
John Curwen, "Aye"
Gary Searle, "Aye"

Mr. Baker indicated that a public hearing needs to be held for items four and five, but those who have spoken do not need to re-address the concerns they have already addressed.

4. PUBLIC HEARING and RECOMMENDATION on a rezone petition to change 15 acres from R 1-12 to GC located at 3200 N Hwy 36 by Home Credit Corp.

Chairman Spence stated that this was a public hearing if anyone would like to come forward and address the Commission. No one came forward.

Commissioner Searle moved to close the public hearing. Commissioner Milne seconded the motion. All members present voted "Aye".

Commissioner Searle moved to make a favorable recommendation on a rezone petition to change 15 acres from R 1-12 to GC located at 3200 N Hwy 36 by Home Credit Corp. Commissioner Montano seconded the motion. The vote was as follows:

Ken Spence, "Aye"
Shawn Milne, "Nay"
Phil Montano, "Aye"
Bob Gowans, "Aye"
Fran Garcia, "Nay"
John Curwen, "Aye"
Gary Searle, "Aye"

5. PUBLIC HEARING and RECOMMENDATION on a rezone petition to change 5 acres from R 1-12 to MU-G located at 3200 N HWY 36 by Eagle Springs Development.

Chairman Spence stated that this was a public hearing if anyone would like to come forward and address the Commission. No one came forward.

Commissioner Searle moved to close the public hearing. Commissioner Gowans seconded the motion. All members present voted "Aye".

Commissioner Searle moved to make a favorable recommendation on a rezone petition to change 5 acres from R 1-12 to MU-G located at 3200 No Hwy 36 by Eagle Springs Development. Commissioner Montano seconded the motion. The vote was as follows:

Ken Spence, "Aye"
Shawn Milne, "Nay"
Phil Montano, "Aye"
Bob Gowans, "Aye"
Fran Garcia, "Nay"
John Curwen, "Aye"
Gary Searle, "Aye"

6. Review and Approval of meeting minutes from Planning Commission meeting held March 11, 2009.

Commissioner Milne moved to approve the minutes as presented. Commissioner Searle seconded the motion. All members present voted "Aye".

7. Adjourn

Commissioner Milne moved to adjourn the meeting . Commissioner Searle seconded the motion. All members present voted "Aye". The meeting adjourned at 8:43 p.m.

Approved this 22nd day of April 2009

Chairman Spence