

Minutes of the Syracuse Planning Commission Regular Meeting, October 4, 2016

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on October 4, 2016, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present:

Commission Members:	Ralph Vaughan, Chairman Dale Rackham, Vice Chairman Greg Day Grant Thorson Troy Moultrie Gary Bingham		
City Employees:	Royce Davies, Planner Paul Roberts, City Attorney Stacy Adams, Commission Secretary		
City Council:	Councilman Gailey Councilman Maughan		
Excused:	Commissioner McCuiston		
Visitors:	Donald Sandberg Layne Hilton Mike Ford Nathan Fowler Mike Eppich Brent Savage	Sherry Brophy Lynette Hilton Kathy Brothers Heidi Longfellow Bruce Nilson Melanie Savage	Kevin Homer Alexis hammer Steve Burton Mike Palmer Dustin Morgan Melanie Blodgett

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1. **Meeting Called to Order:**

Commissioner Moultrie provided an invocation. The Pledge of Allegiance was led by Commissioner Bingham.

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COMMISSIONER DAY MADE A MOTION TO ADOPT THE PLANNING COMMISSION AGENDA FOR OCTOBER 4, 2016 MEETING. THE MOTION WAS SECONDED BY COMMISSIONER RACKHAM. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

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2. **Meeting Minutes:**

September 20, 2016 Regular Meeting & Work Session

COMMISSIONER DAY MADE A MOTION TO APPROVE THE REGULAR AND WORK SESSION MEETING MINUTES FOR SEPTEMBER 20, 2016. THE MOTION WAS SECONDED BY COMMISSIONER BINGHAM. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

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3. **Public Comment:** This is an opportunity to address the Planning Commission regarding your concerns or ideas, regarding items that have not been scheduled for a public hearing on this agenda. Please limit your comments to three minutes.

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Sherry Brophy, Syracuse, went to the City Council when found out that they wanted to put the liquor store behind Smith's and next to Sunset Villas, are not opposed to a liquor store, what their concern is the parking lot if putting it in the little strip of land off 1000 W and that would be half of that strip and they wanted 2 access points into there. There are 12 high volume access points in that area off 1000 W and makes it almost impossible to get down that road during peak times and are really creating a traffic disaster, plus a liquor store peak times are going to be the same times as Gold's Gym, Smith's and people coming and going from work any week of holidays there are all peaking at the same time and also going to be more businesses put into these areas which will create more traffic and 1000 W isn't that wide of a street and so the concern is that when develop this it should be developed as one piece of property so there is only 1 in and 1 out to make that to only 10 access points on that strip and something that doesn't compete with the volume of traffic at the same time as what is already there. Take that and add it in with all the old people at the Villas as well as the young kids are also creating a safety hazard with all this cross traffic onto that little street. So would just like them to consider that as are planning and thinking about what the best use for that, think there are plenty of places for a liquor store off of Antelope with the high volume of traffic, but this little piece with that many access points in that short of a space is just looking for trouble, it is too much gridlock and with that many access points would be crazy.

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Public comment closed.

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4. **Public Hearing, Subdivision Amendment - Ford Subdivision property located at 2049 S 1230 W**

Planner Davies stated this request is basically to clean up some property lines in this area, are taking 3 lots of out the Harvest Point subdivision phase 5 and 1 lot out of Stoker Gardens PRD. There are a few property lines in there that have been created over time. Lot 68 of Stoker Gardens originally took up a much larger area than it currently does and there is a structure that was existing at the time which is still there and the boundary lines have been adjusted there. In an effort to allow the applicant to continue to develop their property as they would like to and to again clean up the property lines and make things easier to work with have proposed a new plat which would increase the current sizes of lot 1, 2 & 3 and decrease lot 68. Overall what has been proposed here meets the code, the PRD zoning with lot 68 is located doesn't have any lot standards as far as frontage and so on, so because of that what has been proposed here is technically a flag lot in the terms of its access however this was previously approved, the lot is not being increased in size but decreased. Based on that and based on the fact that there aren't any lot standards for width and depth in the PRD zone other than what it says as determined on the plat would recommend approval of this. One issue that came up is that there is a cell tower located on the property so within that area on lot 68 the code requires that place a fall zone easement on any plat that has a cell tower on it. What that easement does is it restricts the development within the easement to no dwellings and any accessory building that is built in there is built at the owner's risk knowing that the cell tower do fall, there was one recently that fell last month in Farmington so there is the possibility of that so that is why it is required. Will notice that in Stoker Gardens there was some development that was approved within that fall zone and the minutes and items from that development aren't really clear but are not really dealing with that and weren't clear about why that was approved. Since that is not being included in this plat that is not being considered here, so this fall zone is placed on here per code, so 110% of the height of the cell tower is 107 feet and no dwellings are within that area on this plat. There are also no accessory buildings with the exception of the one on lot 68. Overall this cleans things up and lets the applicant do what they want to do and it does meet the code, all these lots are considerably larger than what is required for the minimums in their respective zones, there is some split zoning here but that is not prohibited by the code and as the dwellings are already built here any further development on the property would just have to meet the code which wouldn't be affected by the zoning.

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Commissioner Rackham asked if lot 68 would just have the accessory building on there. Planner Davies stated yes. Commissioner Rackham stated that the standards doesn't allow to just build an accessory building on a lot without a primary structure, so are making a lot that doesn't have a primary structure, so are almost reversing it but is that in violation. City Attorney Roberts stated the building is there existing already. Commissioner Rackham stated it is, but it is part of another lot. City Attorney Roberts stated it is part of a larger lot and what they are proposing is shrinking the size of that lot so it is not that are creating a new lot but are carving out part of that lot, so that would be the distinction there. Commissioner Rackham stated okay so that is why it is numbered lot 68. City Attorney Roberts stated yes, it would still be lot 68 on that plat.

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Commissioner Vaughan stated flag lot, the definition of a flag lot did not necessarily say it had to have a straight driveway or be considered a straight driveway it is just a lot that has access to a street but just happens to be bypassing other properties so, this is technically a flag lot. Planner Davies stated technically per the code and staff has discussed that from a legal standpoint in terms of would that stop this from being approved, since don't allow flag lots and the code is clear about that but since it was previously approved it is technically a legal non-conforming lot and since are not increasing non-conformity really legally hard to say it was approved but the essential aspect that make it a flag lot is not being modified or changed and therefore to deny it on that basis would be tricky and staff has had that discussion. Commissioner Vaughan stated remember when this exact property came up before the Planning Commission about 3 years ago think is the only Commissioner that survives from when that discussion was, in fact was the one who raised the point about the fall zone in regards to the cell tower. It was his understanding at that time that is that this wasn't going to be developed at all for residential use, and is he in error in looking at the minutes on that from the previous discussion. Planner Davies stated to his knowledge and understanding because of the fall zone there they couldn't build a home back there and also because of the frontage it makes it especially tricky but as far as putting a restriction on the plat itself thought there wasn't anything found that said couldn't have a dwelling on lot 68.

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Mike Ford, applicant and lives in Syracuse. One of the concerns brought up about the flag lot, from his understanding when they went through the process in 2011-2012 it was a PRD so that did not have anything to do with the PRD ordinance in a flag lot and that was how guess the City at the time, the staff got around that because it was a PRD. Basically like the Planner said are just cleaning up some lot lines that were a result of some quick claim deeds and just making it so can remove some property lines that were kind of in the center of his property and that is pretty much the purpose of it. Lot 68 is not going to be a residence it is just a private garage, just an existing structure that is there.

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Commissioner Rackham asked if the accessory building that is there is part of his property. Mike Ford stated it was there previously when he bought it from Syd Stoker before Castle Creek developed it. Commissioner Rackham stated at the time he thought he said he was using it. Mike Ford stated he is using it as garage. Commissioner Rackham stated so it will still remain his property, lot 68 is his lot. Mike Ford stated yes, it is.

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Public hearing opened.

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Nathan Fowler, property owner of Stoker Gardens. Is a little bit confused as to what the owner of the property now intends to do with the property and has seen him come and go out of there a couple times, pull a boat out of there or something and to his understanding that is private property through Stoker Gardens and is accessing that through private property and wanted to know if that is private property, the driveway that has been accessing. Planner Davies stated the way it works, so have the shared driveway that the units access their homes off of and that is actually part of his property, so basically the way it works is there is an access easement for any residents that live in those dwellings to be able to drive across and access their property. Essentially what happens is crossing onto his property and then going into the garage is how that works, it is his property all the way out to the cul-de-sac, so basically have an easement to use that. Nathan Fowler asked if there was, when he got the letter in the mail the way he interpreted it was it was going to be developed into a residence and developed into 4 lots. Planner Davies stated the 4 lots are just the 4 lots existing so the one where the building is that is just going to be 1 lot, lot 68 and then the other 3 lots on the other side, so essentially the 4 lots are already what had going is just cleaning up some lot lines, so are not adding any additional buildings. Nathan Fowler stated just changing the dimensions of what is currently there. Planner Davies stated yes. Nathan Fowler asked could it be possibly developed for a residence per the code and ordinances. Planner Davies stated the PRD code basically says that the way that the lots are set up if they wanted to develop something in there to develop it as part of Stoker Gardens they would have to bring Stoker Gardens back up, amend Stoker Gardens and that building would have to be modified, the fall zone circle area couldn't be a building so basically would have to demolish whatever has been there and build outside of that and it would be extremely tricky but possible. Nathan Fowler stated aren't there current homes inside that circle. Planner Davies stated yes but is saying to build on it they would have to demolish parts within that circle and couldn't allow that within the circle a new dwelling. So it is possible but it highly unlikely.

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Closed public hearing.

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Commissioner Vaughan stated this was a PRD, so this would be allowed and a flag lot would not have impact in a PRD or would not be a flag lot per se in the PRD. Planner Davies stated depends on how look at it, for all intents and purposes it is a flag lot but since the PRD doesn't really have specific lot standards like was saying before. Commissioner Vaughan stated because it is not essentially going to be a residence at this particular time can't say for sure but in looking at a determination it is not so much what an applicant may say today is because the property could be sold and if pass this just the way it is someone else could come in and want to build a single family residence on it and then because said it was not a flag lot or it was okay that it would be alright down the road. Planner Davies stated provided it met the code, again would have to have open space requirement and amenities and everything that the PRD would require, so in response to the citizen, it is highly unlikely. Commissioner Vaughan stated given the fall zone circle that they have on there, is there enough room on the remaining property to build a single-family residence according to the current standard or zoning in that project. Planner Davies stated thinks there is. City Attorney Roberts stated that would need to come back as an amendment to the Planning Commission and would review it at that time based on the current codes that are in place. Commissioner Day stated in addition to that, there are no utilities to that lot, would imagine. Planner Davies stated they could bring utilities in. Commissioner Day stated would have to bring them in from somewhere.

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Commissioner Vaughan stated he had reservations on this building on that site ever since it was first brought to the Commission when was on it approximately 3 years ago, because of cell tower, because of the abnormal access. When it originally came through there were only 2 houses that were built and that center lot 2 wasn't there and it was even suggested to applicant then that those lots could be added or modified to take over lot 68 but the applicant at that time wanted to continue the way it was, so here we are 2 or 3 years later. In his opinion, it is a flag lot, the PRD does complicate things but knowing that it would come back should something want to be done with that, particularly if something was done in conjunction with Stoker Gardens. Does have hesitancy on the project but is willing to listen to other comments in regards to the other side of it.

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COMMISSIONER DAY MADE A MOTION FOR THE PLANNING COMMISSISON TO APPROVE THE REQUEST OF MICHAEL FORD FOR A 4 LOT SUBDIVISION AMENDMENT PROPERTY LOCATED AT 2049 S 1230 W, R-2 & PRD ZONES. THE MOTION WAS SECONDED BY COMMISSIONER MOULTRIE. COMMISSISONER VAUGHAN AND COMMISSIONER RACKHAM VOTED NAY, ALL OTHER COMMISSIONERS VOTED IN FAVOR, THE MOTION CARRIED WITH A 4/2 MAJORITY VOTE.

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5. Public Hearing, Code Amendment - Trails Edge Phase 1, property located at approximately 3300 W 625 S

Planner Davies stated last meeting discussed this item in depth pretty well so won't go back into a lot of detail. Essentially are trying to combine an existing detention basin with a current building lot, lot 125 part of phase 1 of trails Edge. There were a lot of concerns that were brought up last time by residents and just want to reiterate again this does meet the code, so based on that would recommend approval of it. One thing that it was tabled for, the reason it was tabled, staff did not have an affidavit from the applicant showing that he was representative of the HOA that owned the property and have since received all the information that need and have include the affidavit in the packet and the applicant has also been very helpful in moving that forward and so that was the reason it was tabled where everything met the code last time that has been taken care of.

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Commissioner Vaughan asked if had a chance to meet with the proposed new owner of this detention basin. Planner Davies stated he hasn't. Commissioner Vaughan stated because it isn't a public hearing don't have the opportunity to find out they fully understands the ramifications of being responsible for this solely as opposed to it being an HOA situation and just want to make sure and that something is not being dumped on them without their full understanding of what the possibly and responsibilities are should this go through. Planner Davies stated if have a recommended action would like staff to take on that is more than happy to contact the owner but guess it is a little challenging legally and know there are disclosure laws in Utah and if gets involved and cause a sale not to go through that could be an issue for the City. Commissioner Vaughan stated hopefully the applicant is here and will have a chance to talk to them.

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Commissioner Day stated as he read through the minutes of the previous meeting, since was not at the last meeting, and this might be a question for the City Engineer. Does the City do this often where have easements with storm drain ponds that are done elsewhere and okay with that. City Engineer Bloemen stated absolutely, yes is done all the time and there is a detention basin agreement that is required to be signed by owner and carries down to their successors so whoever owns that lot whether it be this applicant or anybody in the future are required to uphold that storm water detention basin maintenance agreement that basically lays out what can and can't do through the basin and are required to maintain it and there is a document that is recorded with County on the property so that is definitely something they should be receiving at that time and be well aware of what is involved in that. Commissioner Day stated so when someone buys it, it will be on the title report, can't police someone if they are not reading title reports or anything but it will be disclosed to them. City Engineer Bloemen stated yes, it is recorded against the property. Commissioner Rackham stated but they don't get a copy of the document until they sign. City Engineer Bloemen stated no it is already recorded against the property. Commissioner Rackham stated if they buy the property they don't get a copy until after closing. Commissioner Day stated when they do the title work. Commissioner Rackham stated when they do the title work is when they will get a copy. Commissioner Day stated or when they request a copy. Commissioner Thorson stated is he was asking if they are really getting a chance to be informed. Commissioner Rackham stated yes. Commissioner Bingham stated believes the future property owner was at the last meeting in the audience when speaking about this. Commissioner Vaughan stated she was. Commissioner Thorson stated and in this case, that is the case but for other. Commissioner Rackham stated so don't know if the future property owner has been informed of it. The future property owner is in the audience tonight as well.

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Commissioner Thorson stated his concern was with the infrastructure and how much it could cost, does the City retain ownership of that infrastructure or is that passed on to the property owner. They would maintain the grass or whatever is going on the surface and have an easement so can go in and unplug stuff but is there a way to say the City is going to come in and take care of the pipes. City engineer Bloemen stated the City already does maintains the pipes, the City owns and maintains the pipes, the owner is required to maintain the outlet structure free of debris and leaves and branches and all that kind of stuff and believe they are required to so a yearly inspection on their end and then the City will do an inspection on that every 5 years. Commissioner Vaughan asked if they are required to report on their inspection to the City or is that just something to take on faith. City Engineer Bloemen stated he is not sure of that process off the top of his head whether are required to submit it yearly or not, doesn't think they are required to physically submit that to the City.

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Commissioner Vaughan stated if we have the 10-year rain or the 100-year rain or whatever and the City has to go in there to affect a repair or do something on the drain, who pays for that. City Engineer Bloemen stated the City would assuming it is within and is an issue with the storm drain pipes then yes the City will maintain and operate the City's storm drain, if it is another issue within the basin then that is up to the home owner to maintain. If they have dug a big hole and it is retaining water, then that is going to be there issue to fix.

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Commissioner Day stated has another question and this isn't directed towards the current home owner but maybe a successors and maybe this is a question for the Planner but in the event that the maintenance agreement is not being complied with, 15-25 years in the future what recourse would the City have in terms of like nuisance. Is it something that it would be a nuisance and could say have to mow it or maintain it. Planner Davies stated thinks if there are weeds back there that over the allowed limit or something like that and have obstructions or stuff could have code enforcement check on it and address it.

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Donald Sandberg, Trails Edge, LLC, stated just to get back to the conversation from 2 weeks ago took the action to get the affidavit signed and submitted and that has been done and really just want to move forward on this. They have also coordinated with the seller of the home and everybody, the maintenance agreement has been signed already and they are ready to move forward.

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Planner Davies stated there was a question about the fence last time. Commissioner Vaughan stated yes there was a question about whether or not a fence could be put up. Planner Davies stated per code and what the City Engineer will allow but per the code, since it is their backyard they could fence everything off with a 6-foot solid fence if they like to. City Engineer Bloemen stated they would allow it, but think they need to get public safety involved have had some issue in the past with situations like this so as long as public safety is address and have adequate access. Commissioner Vaughan

asked if there was a specific easement denoted on this property for City access. City Engineer Bloemen stated yes, the whole thing is ingress/egress access easement. Commissioner Vaughan stated total perimeter of the retention basin. City Engineer Bloemen stated the entire parcel, yes. Commissioner Vaughan stated so basically they can't fence it then because would be denied access. City Engineer Bloemen stated as long as they provide gates, that works for the. Commissioner Vaughan asked a gate anywhere as long as it would allow. City Engineer Bloemen stated would like to lay it out with the home owner and if they were interested in putting a fence in then would like them to approach us and can let them know where would like the gates to be located, which is supposed to happen any time are fencing in a public utility easement anyways. Commissioner Vaughan asked if there were specific gate size would require because would hate to have this go through, be approved and then not specify the gate and they put in a 36" gate and can't get in. City Engineer Bloemen stated it is just going to depend on how they lay it out, are definitely going to want vehicular access from the south, off 700 S and then just a man gate from 3300 W. Commissioner Vaughan stated so that is the purpose of the strip down at the bottom. City Engineer Bloemen stated correct, there is a storm drain line in there, that is where the storm drain outflow runs. Commissioner Vaughan stated looks like it is 14 feet so if that entire opening is a gate. City Engineer Bloemen stated that would be satisfactory to them, yes.

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Commissioner Thorson stated thinks people here think it is a public hearing, is it not a public hearing. Commissioner Vaughan stated it is not set for public hearing. Commissioner Thorson stated it is up to us then. Commissioner Vaughan asked Commissioner Thorson if he would like to make it a public hearing so that if someone here would like to speak, can speak. A motion to open up and receive speakers would be entertained by the Chair.

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COMMISSIONER THORSON STATED HE WOULD LIKE TO OPEN A PUBLIC HEARING AND LET THE PEOPLE PRESENT SPEAK. COMMISSIONER RACKHAM SECONDED THE MOTION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

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Melanie Blodgett, they are buying in Trails Edge their house, they haven't moved in yet, they are in lot 121. Her only concern and know that as a City point view kind of have all the issues taken care of but this is kind of a separate issue but it is attached to that piece of land and when they started the construction of their home they weren't told that there was an HOA and an HOA still exists and have been asked to sign a termination agreement but they have not done that through Nilson Homes. Their understanding is that the HOA existed so that they would all take care of that land, it would be a common area and know that if they buy that it becomes their land and they take care of it but they are still locked into whether or not they are going to have an HOA and if they are in an HOA what are they paying for. Right now are being told that they are going to let it go but can't be guaranteed and the termination agreement didn't sign because it says that if there are any fees or indebtedness that is still owed they would end up paying it and don't know what that sum is. So didn't sign a legal agreement to possibly pay for something they don't even know what would be paying for.

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City Attorney Roberts stated when it comes to, there was an HOA created and it is on record with the Recorder, whether the HOA termination is a good idea or not really can't weigh in on that at all, it is not a decision that the Planning Commission or the City can advise on. Unfortunately, really can't tell them if there is any indebtedness or not, that is really not some the City reviews or anything can really let them know on. This body doesn't have the answer for them, sorry.

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Commissioner Vaughan stated one of the key points is on it is with the sale of last lot with the open space, that triggers the HOA being transferred from the developer now to the responsibilities of the individual home owners and they would now be in charge of the HOA, would that be a correct statement. City Attorney Roberts stated if look at the HOA bylaws, believe that was the trigger when the last lot was sold then the developer would transfer ownership over to the parcel, if there is nothing left to be owned by the HOA then it would probably just be enforcing the CCR's that are recorded against all of the properties and doesn't know if there would be any dues or anything, that would be up to the HOA to decide. Commissioner Vaughan stated thinks they asked last time whether or not any dues, fees, meetings or documents had ever changed hands or been conducted on this and think the answer was no, nothing had been done. City Attorney Roberts stated as far as they know and really that issue is outside the scope of what can look at here at this table.

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Cathy Brothers, stated is really lame on all of this stuff and doesn't know very much about it and was hoping they would be talking to the developer. They don't even know if they are an HOA anymore, are they still an HOA and she wants to know exactly, are they an HOA and maybe the developer could talk to them a little bit about everything so they can understand because everything is so muddled to everybody, all the facts are flying and would like to have a discussion if that is possible. Commissioner Vaughan stated they are welcome to do that but it would be outside this meeting.

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Donald Sandberg stated just wanted to say if there are any concerns they are more than happy to discuss table top business stuff outside unless there are any specific questions for the Commission. In terms of moving on and doing this transfer to the owners of lot 125.

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Lynette Hilton, stated is the proposed owner of lot 125 with the parcel that goes through. Just so everyone knows they have signed the storm water maintenance agreement about 1-2 months ago and think they understand what are in for and have researched it and are happy with it. So everyone knows they signed on the document that will provide a yearly report to the City on the maintenance of the land and grass and all that. Also it says that if they don't maintain it to the standards of the City that the City will go through and do that maintenance on it, mow the grass or whatever and bill them for it and again whoever if they were to sell this property they would have to sign the same maintenance agreement so if there were any questions about the maintenance of the property and how it is taken care of, they are and have signed this and know what it is and whoever buys it after them will have to sign the same agreement so think that kind of addresses some of those concerns. Lane Hilton, stated on the gate issue they met with Darel Webb over the phone to find out exactly what their responsibility will be in terms of the gate and are open either way if they want it fenced great, if not. He also explained the same thing of 14 feet, explained if they do lock it, what they have to do with a key and went over all of this. One thing he stated was that the City would need to be able to drive a truck onto the property if that was necessary in order to fix something, so it had to be that wide and it had to be graded down to allow that to happen because currently that is not the case the slopes of the pond aren't to City code so he actually explained how that works and needs to be a 3to1, that would be the only question he would have on this in terms of the City is where exactly if they put a gate in there is already a curb there, would the City build a curb into it to allow for that driveway basically into it to allow for that. City Engineer Bloemen stated off of 700 S, they don't need a driveway, they can hop that curb no problem, the size of the truck that would go back there would have no problem.

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Public hearing closed.

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Commissioner Vaughan stated thinks the applicant is going in with their eyes open which was one of the concerns that they had, knowing that and knowing this will take care of this development, would support this particular project.

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COMMISSIONER THORSON MADE A MOTION TO RECOMMEND APPROVAL TO CITY COUNCIL THE REQUEST OF 1 LOT SUBDIVISION AMENDMENT IN TRAILS EDGE PHASE 1, WITH THE CONDITION THAT ACCESS AND GATE FACILITY BE CORDINATED WITH CITY. THE MOTION WAS SECONDED BY COMMISSIONER RACKHAM. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

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6. **Adjourn**

COMMISSIONER RACKHAM MADE A MOTION TO ADJOURN. COMMISSIONER BINGHAM SECONDED THE MOTION. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY. MOVED STRAIGHT INTO WORK SESSION.

Ralph Vaughan, Chairman
Date Approved: _____

Stacy Adams, Commission Secretary