

Plain City Planning Commission
Minutes of Meeting
July 9, 2020

Minutes of the Plain City Planning Commission Meeting held on July 9, 2020 at 7:00 p.m. in the Council Chambers of Plain City Hall – 4160 W 2200 N, Plain City, Utah 84404 and digitally replicated via ZOOM.

Present:	Chairman	Jarod Maw
	Vice-Chairman	Blake Neil
	Commissioner	Shawna Faulkner
	Commissioner	Dustin Skeen
	Commissioner	Rob Ortega
Excused:	Commissioner	Blake Jenkins
Staff:	Mike Kerswell, Dan Schuler	

Attendees: Mayor Beesley, Buddy Sadler, Shauna Smith, Luke Fawson, Patricia, Stan Smith, Alex Papageorge, Mark Staples, Cody Rhees

Welcome: Chairman Maw

Pledge of Allegiance: Commissioner Faulkner

Moment of Silence / Invocation: Commissioner Neil

1. Roll Call:

Chairman Maw directed roll call and indicated; Commissioners Neil, Faulkner, Skeen, Ortega and Chairman Maw were present. Commissioner Jenkins was excused.

2. Opening Statement:

Chairman Maw read the Opening Statement.

3. Ex Parte Communication or Conflicts of Interest to Disclose:

Commissioner Skeen reported speaking to Cody Rhees about stormwater retention plans for the proposed Heritage North Subdivision. Chairman Maw indicated that he discussed aspects of the subdivision with Cody Rhees.

4. Public Comments:

None presented.

5. Approval of Meeting Minutes for June 25, 2020

Commissioner Faulkner motioned to approve the Meeting Minutes for June 25, 2020. Commissioner Skeen seconded the motion. Vote: Commissioners Faulkner, Neil, Skeen and Ortega voted aye. Motion carried.

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6. Technical Review Report

Chairman Maw reported that subdivision of the Olsen property – three existing lots near 847 E 2800 N, was studied. He explained the proposed arrangement. He identified terms of the Plain City subdivision ordinance that might impact the plan. He indicated that a lot line adjustment related to the future project, will likely be presented to the Planning Commission in coming weeks.

7. Administrative Items:

Discussion / Motion: Conditional Use Permit – Rock and Gem Marvels, LLC – 2770 W N Plain City Rd

Business owner, Lucas Fawson indicated that he crafts rocks and gem stones into works of art in many forms and sells them online. He indicated that he wants to evolve his enterprise into a small rock shop with an educational facet, and move operations into an existing building. He noted that the building (Hayloft barn) is located on a residential parcel and was once used for a dance hall. He stated that an occupied home exists on the parcel, as well. Commissioner Neil affirmed that a petition for rezoning of the property has not been submitted. He asked the applicant if he has applied for a Home Occupation Business License. Mr. Fawson indicated that he has applied for a Commercial Business License and is seeking Commission approval of Limited Residential Occupation (City Code 10-10-9). Commissioner Faulkner suggested that the requested Conditional Use is reserved for bonified residents of the dwelling. She asked if Mr. Fawson lives in the home on the lot. He indicated that he does not currently live on the premises. Commissioner Skeen proposed that the residents/property owners apply for the business license and Mr. Fawson run the operation as Chief Executive. Chairman Maw referred to 10-10-9 C(2); Employees: Limited to people residing in dwelling. Mr. Fawson questioned if the Chief Executive of a company is technically considered an employee. He asserted that he does not/will not have employees. Commissioner Neil advised that the parcel should be rezoned for commercial use. Mr. Fawson commented on the existing dwelling on the lot and the implications of commercial zoning. Commissioner Faulkner stated that the Planning Commission is bound by the ordinance and will not be able to grant the request as presented. Chairman Maw remarked on existing structural and accessibility conditions of the old Hayloft barn. He informed that those aspects will need to be inspected and certified compliant with current standards. Commissioner Ortega warned that rezoning the parcel to C-1 will open the door to future commercial development of the entire property. Commissioner Skeen contemplated possible negative impacts of allowing commercial expansion in the area. Commissioner Faulkner reviewed permitted business types in the C-1 Zone and surmised that most would be appropriate for that location.

Commissioner Neil motioned to deny the requested Conditional Use Permit – Rock and Gem Marvels, LLC – 2770 W N Plain City Rd. Commissioner Faulkner seconded the motion. Vote: Commissioners Faulkner, Neil, Skeen and Ortega voted aye. Motion carried.

Discussion / Motion: Site Plan – Rock and Gem Marvels, LLC – 2770 W N Plain City Rd.

Commissioner Faulkner motioned to table Discussion / Motion: Site Plan – Rock and Gem Marvels, LLC – 2770 W N Plain City Rd with a time limit of 60 days for resubmittal (staff to notify applicant of this stipulation). Commissioner Neil seconded the motion. Vote: Commissioners Faulkner, Neil, Skeen and Ortega voted aye. Motion carried.

8. Legislative Items:

Discussion / Motion: Preliminary Subdivision – Heritage North, approx. 4008 W 2800 N

Chairman Maw stated that he received acknowledgement from the City Engineer, that his written concerns for preliminary approval of this subdivision have been addressed. He mentioned additional commentary provided for final approval. Commissioner Neil pointed out that the presented Subdivision Application has not been updated to reflect changes made through the zoning amendment process. He specially described

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necessary application corrections. Developer, Cody Rhees explained that the Subdivision Application was submitted last year – before the Residential Overlay Zone was approved for the project. He offered to submit a corrected form. He confirmed that the final plat has been updated and the submitted legal description reflects the changes made during the zoning amendment process. He explained how the one rod width ROW has been addressed in supplementary documentation. Commissioner Faulkner commented on a lot size reduction chart, provided by the developer. Cody Rhees informed that the chart divulges a minimal reduction in the formerly proposed lot sizes caused by widening of roadways. He indicated that all lots in the subdivision are larger than the minimum size allowed by ordinance. Commissioner Skeen counseled; with preliminary approval of this application, it's expected that items of concern – such as the incorrect parcel information on the application form – will be resolved before final approval is recommended. Chairman Maw reported that the City Engineer is in favor of preliminary approval but would like to review the developer's response to additional comments before final approval is voted on. Commissioner Skeen asked if an existing barn will remain in the development. Cody Rhees answered in the affirmative. He indicated that the street that runs in front of the barn will be improved with curb, gutter and sidewalk. He affirmed; if the City Council approves plans for keeping the barn, measures to restore and maintain the historical structure will be taken.

Commissioner Neil motioned to recommend preliminary approval of the Heritage North subdivision, approximately 4008 W 2800 N to City Council, provided an updated application with correct parcel numbers is submitted. Commissioner Skeen seconded the motion. Vote: Commissioners Faulkner, Neil, Skeen and Ortega voted aye. Motion carried.

Discussion / Motion: Final Subdivision – Heritage North, approx. 4008 W 2800 N

Developer, Cody Rhees indicated that all drawings and supporting documents for final endorsement of the Heritage North subdivision were submitted when requested materials and amendments for preliminary approval were turned in. He stated that he anticipates entering into a construction agreement and an escrow agreement with Plain City upon Planning Commission's Commission recommendation for final approval. He reported that City Engineer, Brad Jensen has reviewed all of the information provided and assured that everything is in order. Commissioner Faulkner referred to Brad Jensen's prompting that a motion for final approval should be held over until he has reviewed the developer's response to his latest list of concerns. She indicated that it's the Planning Commission's charge to forward complete and approvable applications to the City Council with their endorsement, notwithstanding an applicant's assertion that sorting out of details is in process. She advocated tabling the matter pending the City Engineer's review of updated information.

Commissioner Faulkner motioned to table Final Subdivision – Heritage North, approx. 4008 W 2800 N. Commissioner Neil seconded the motion. Vote: Commissioners Faulkner, Neil, Skeen and Ortega voted aye. Motion carried.

Discussion / Motion: Final Subdivision – West Park Phase 1, app. 3200 North PC Road

Nilson Homes representative, Mark Staples indicated that requested revisions, additional information and a draft indemnification agreement has been included with final application documents. He commented on City Engineer and City Attorney project reviews. He spoke about plans for open space in the development. Commissioner Neil asked if a road, stubbed at Utah Power and Light property, will be extended through at a future date. Mark Staples answered in the negative – affirming that the length of the stub road in question is not long enough to require extending nor a turnaround type junction. He suggested that Utah Power and Light may extend the road through their property in due course. He verified that the street layout has not changed from that presented for preliminary approval. Chairman Maw noted that the City Engineer gave a positive assessment of the final plan for West Park, Phase 1. Commissioner Faulkner made mention of the developer's negotiation with the Mayor, on proposals for subdivision open space and amenities. She described a walkway that Nilson Homes constructed in a West Haven development and recommended the same arrangement for the West Park subdivision. Mark Staples outlined plans for sidewalks and an access to the trail system. Commissioner Skeen contemplated an escrow account for future extension of 3050 West

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Street, in case future development of Utah Power and Light property does not transpire, as expected. Mark Staples cited examples of Nilson Homes' commitment to complete projects in the approved manner and indicated that they will be finishing the entire park with Phase 1 of the project. He clarified; the open field, parking lot, trail and restroom facility will be provided when work on the subdivision commences. Commissioner Neil queried about maintenance of some planned open space on the south end of the development – to be comprised in a future phase. Mark Staples indicated that the City has no interest in maintaining the areas in question. He submitted that the care and preservation of the land, including areas of natural habitat, will be provided by an HOA.

Commissioner Neil moved to recommend approval of Final Subdivision – West Park Phase 1, approximately 3200 North PC Road. Commissioner Skeen seconded the motion. Vote: Commissioners Faulkner, Neil, Skeen and Ortega voted aye. Motion carried.

Commissioner Skeen remarked on the establishment of a Parks and Trails design committee and advised that public input be sought when dedicated amenities and open space proposals are considered.

Discussion: Final Subdivision – Sunset Meadows Phases 2 and 3

Chairman Maw announced that an acceptable resolution has been made, on improvement of 2200 North Street - as it passes through the Sunset Meadows subdivision. He explained; phasing of some lots in the development will be reassigned, to allow paving of the road. Mayor Beesley gave details on the decided improvement strategy. He noted that the City Engineer, Public Works Director, himself and the developer participated in coordinating the solution. Commissioner Faulkner queried if the single-lane road will be blocked off at a point west of the subdivision. Mark Staples attested that 2200 North Street will be a two-lane, paved road within the Sunset Meadows subdivision. Chairman Maw acknowledged that the planning Commission has already recommended final approval of phases 1 and 2. He stated that discussion on the matter was scheduled to inform the Commission about the agreement and to gather feedback. Commissioner Faulkner voiced approval of the collaborative arrangement.

Discussion: Amendments to Overlay Zone and Cluster Subdivision ordinances

Chairman Maw reiterated that the question – What is an acceptable Public Amenity? – has yet to be answered. He indicated that he's not presented Commissioner's recent questions and suggestions to the Mayor nor professional consultant, Matt Dixon. Commissioner Faulkner restated her desire that the City Council define area eligibility criteria for appliance of the Residential Overlay. She noted that the ordinance specifies intent to preserve open space and the development of parks, trails. She commented on the Plain City Parks, Trails and Open Space Master Plan and supposed that an update of the plan is paramount to deciding a property's eligibility for the Overlay. Public Works Director, Dan Schuler spoke of assembling a committee to review and revise the 2007 edition of the Plain City Parks, Trails and Open Space Master Plan. Commissioner Neil reported that citizens have requested improved parking areas at existing trailheads. He remarked on trail proposals that were submitted as part of the Still Creek PRUD. Commissioner Skeen restated thoughts about limiting the use of this overlay to portions or phases of a development that converge with a park or pathway corridor, instead of allowing it over the entire project. Commissioner Faulkner described possible exploitations of the Overlay if it's allowed on outlying land, because a small part of the development connects to a qualifying feature. She suggested that a maximum acreage (for the Residential Overlay Zone) stipulation be added to the ordinance. Chairman Maw reviewed the process segments of the ordinance, including City Council and Planning Commission Actions. Commissioner Ortega interjected; Commission recommendations to City Council appear to carry less weight than presumed. He proposed that contrary City Council action on matters, referred by the Planning Commission, be subject to a formal appeals process and/or review by the Commission. City Councilmember, Buddy Sadler agreed with the proposed constraint of the Overlay to portions of land directly linked to open space, trails or parks. He asserted that suitability of areas slated for the Overlay will be determined strictly by the City Council. He commented on the need for better communication between the Planning Commission and City Council. He suggested that a combined work meeting be scheduled when an application for the Residential Overlay Zone is submitted. He noted that

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the work meeting can be stipulated in the ordinance. He proposed; "The City Council MAY hold a public hearing on the proposed Residential Overlay Zone" be added to the City Council Action segment (10-20-7) of the code. Commissioner Faulkner considered how the intended significance of Planning Commission action on legislative items can be transmitted to the City Council. Councilmember Sadler advised that a clear explanation of why a recommendation is handed down should be spelled out in the motion. Commissioner Neil indicated that City ordinance requires a Notification of Decision be remitted to the applicant. He suggested that the written Notice of Decision can be sent to City Councilmembers, as well. Land Use Specialist, Mike Kerswell agreed to complete and remit the mentioned Notices of Decision. Commissioner Skeen contemplated ordinance provisions that will allow appliance of the Residential Overlay to limited areas within a proposed development and limit the size of an Overlay Zone. Commissioner Neil instructed; The subdivision – under the Overlay - must provide an exceptional amenity or amenities that are made available to the public or provide developed open space comprised of thirty three percent (33%) of the proposed development (1:2 ratio of developed open space to housing).

9. Report from City Council:

City Council meeting was cancelled.

10. Commission Comments:

Chairman Maw requested that a work meeting, with the City Council, be scheduled for the upcoming City Council meeting, to discuss amendments to the Residential Overlay Zone ordinance. Commissioner Faulkner commented on an alleged City statute that restricts the number of times a parcel can be subdivided. She construed that the rule is not equitable. Commissioner Neil summarized the origin and intent of the reputed regulation. Chairman Maw indicated that Brad Jensen will advise on the matter. He sought input from the Commissioners on a proposed policy amendment, allowing a reasonable number of additional lots (over 30) to be developed with a single access. Commissioner Neil responded negatively to the concept. He cited increased traffic congestion and safety issues that have been recent topics of concern. Chairman Maw notified that the Level 5 project manager for Wasatch Peaks Credit Union apologized to him for an oversight that resulted in the unacceptable sign proposal from YESCO being submitted for Planning Commission review, without consent of Wasatch Peaks ownership or typical evaluation by the development company. Dan Schuler commented on City Code 11-3-7:

Phasing: Subdivisions containing more than thirty (30) lots shall be done in phases. Each phase must be approved by the Planning Commission and shall consist of that number of lots that can be completely developed with off-site improvements within a two (2) year period. "Off-site improvements" are construed to be those improvements required by the City public works standards. "On site improvements" shall be construed to mean the construction of the dwelling and its appurtenant improvements on each lot. The development of the subdivision shall be in an orderly manner and all said off-site improvements will be made available for the full, effective and practical use and enjoyment thereof by lessees or grantees of any of the lands located within the subdivision within the time hereinafter specified. Phases shall be designed to minimize the dead ending of streets and water lines. Phasing shall be done in such a manner as to provide sufficient traffic circulation in each of the phases. (Ord. 2001-02, 3-1-2001, eff. 3-1-2001; amd. Ord. 2017-14, 12-7-2017, eff. 12-8-2017)

He noted that the policy is commonly used to limit subdivision phases to 30 lots when, in reality, the strict limitation often proves detrimental to City interests. He explained how the permitting of few extra lots in West Park Phase 1 would have allowed a better termination of 3050 West Street.

11. Adjournment

Motion: Commissioner Faulkner motioned to Adjourn at 8:55 p.m. – Commissioner Neil seconded the motion. Vote: Commissioners Faulkner, Neil, Skeen and Ortega voted aye. Motion carried.

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<u>Neil</u>	<u>Faulkner</u>	<u>Maw</u>	<u>Jenkins</u>	<u>Skeen</u>	<u>Ortega</u>
Jan 2	Jan 16	Feb 6	Feb 20	Mar 5	Mar 19
Apr 2	Apr 16	May 7	May 21	Jun 4	Jun 18
July 2	July 16	Aug 6	Aug 20	Sept 3	Sept 17
Oct 1	Oct 15	Nov 5	Nov 19	Dec 3	Dec 17

Planning Commission Chair

Planning Commission Secretary

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Minutes of the Plain City Planning Commission Meeting held on July 23, 2020 at 7:00 p.m. in the Council Chambers of Plain City Hall – 4160 W 2200 N, Plain City, Utah 84404 and digitally replicated via ZOOM.

Present: Chairman Jarod Maw
Vice-Chairman Blake Neil
Commissioner Shawna Faulkner
Commissioner Blake Jenkins

Excused: Commissioner Dustin Skeen
Commissioner Rob Ortega

Staff: Mike Kerswell, Dan Schuler

Attendees: Buddy Sadler, Cody Rhees, Ashley

Welcome: Chairman Maw

Pledge of Allegiance: Chairman Maw

Moment of Silence / Invocation: Commissioner Jenkins

1. Roll Call:

Chairman Maw directed roll call and indicated; Commissioners Neil, Faulkner, Jenkins, and Chairman Maw were present. Commissioners Skeen and Ortega were excused.

2. Opening Statement:

Chairman Maw read the Opening Statement.

3. Ex Parte Communication or Conflicts of Interest to Disclose:

Chairman Maw reported that he briefly discussed general development processes with a Realtor that contacted him. He indicated that he referred the Realtor to staff, to schedule a Technical Review Committee meeting.

4. Public Comments:

None presented.

5. Approval of Meeting Minutes for July 9, 2020

Commissioner Neil noted that one of the meeting attendees is listed by her first name only (“Patricia”). He asked if the owner of Rock and Gem Marvels has been notified about the tabling of his Site Plan application. He suggested that pronounced details be recorded on page 4, regarding Mark Staples’ answer to his question about maintenance of West Park open space. Land Use Specialist, Mike Kerswell informed that ZOOM meeting participants often have shortened screen names and he has been instructed by the City Recorder to identify them in the minutes accordingly. He affirmed that Lucas Fawson, owner of Rock and Gem Marvels,

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has been notified of the tabling of his petition. He agreed to include more of Mark Staples' comments pertaining to the mentioned open space maintenance arrangement, in the minutes.

Commissioner Jenkins motioned to table the Meeting Minutes for July 9, 2020. Commissioner Faulkner seconded the motion. Vote: Commissioners Faulkner, Neil and Jenkins voted aye. Motion carried.

6. Technical Review Report

Chairman Maw reported that nothing was scheduled for Technical Review, this week.

7. Legislative Items:

Discussion / Motion: Final Subdivision – Heritage North, approx. 4008 W 2800 N

Commissioner Neil pointed out that the application has been correctly updated. He referred to comments by City Engineer, Brad Jensen, recommending that approval for the development be granted. Commissioner Faulkner remarked on the Engineer's concern over Plain City Public Works' access to the retention pond. Public Works Director, Dan Schuler described an ideal easement location. Chairman Maw verified that will-serve letters from all utility providers have been received.

Commissioner Faulkner motioned to recommend City Council approval of Final Subdivision – Heritage North, approx. 4008 W 2800 N. Commissioner Neil seconded the motion. Vote: Commissioners Faulkner, Neil and Jenkins voted aye. Motion carried.

Discussion: Amendments to Overlay Zone and Cluster Subdivision ordinances

Chairman Maw stated that a work meeting for deliberation of ordinance amendments, held last week with the City Council, was effective. Commissioner Faulkner weighed up adjusting the ordinance such that the City Council would initially review a proposed Overlay project before the application is considered by the Planning Commission. Commissioner Neil advised that assessment may prove difficult without a new draft of the ordinance for reference. Chairman Maw proposed that the Commission reexamine the application process. He specified two aspects of the ordinance he would like to clear up:

- The definition of "Public Amenity".
- The application approval processes.

He commented on a proposed, combined work session to initiate every submittal for the Residential Overlay Zone. Commissioner Faulkner, foreseeing an overabundance of work sessions for each application, suggested that the City Council render a finding on location eligibility in a decisive step, at the beginning of the process. Commissioner Neil commented on the purpose of Technical Review Committee meetings. Dan Schuler submitted that any City Councilmember review of a Residential Overlay project, prior to (during) Technical Review, could be misinterpreted by the developer as a de facto endorsement by the Council. He suggested an expansion of the established Technical Review process, to ensure minimal disorder when an application is presented to the Planning Commission. Commissioner Faulkner evaluated the current Technical Review practice. She noted that the decision is ascribed to the City Council, by this ordinance, whether property is appropriate for the Overlay – not the Technical Review Committee or the Planning Commission. Chairman Maw proposed that a commendation by the Technical Review Committee be required by policy.

Commissioner Neil evoked; the established process entails a Technical Review meeting as the first step for all land use applications. Commissioner Faulkner suggested that an admittance review be conducted by the City Council, to determine if the Overlay will be permitted on the property it's designed for – possibly before a Technical review meeting is scheduled and fees are paid. She commented on the fluctuation of attitudes and ideals with Council membership and mayoral shifts, over time. She inferred that more definitive terms regarding intended areas for the Residential Overlay Zone could be provided. Commissioner Neil explained that the City Council makes the final decision on all legislative matters; they are the City Land Use Authority and Appeals Board. Chairman Maw spoke of the potential annexation of western, unincorporated land and how a revised Plain City Parks, Trails and Open Space Master Plan might have a direct effect on the

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appliance of the Residential Overlay in that area. He contemplated where language can be placed in the ordinance to stipulate the recommended admittance check by the City Council. He reviewed the Purpose and Intent of the code, verifying that the preservation of open space and the development of parks, trails, and other open space is specifically mentioned. He reported that a meeting will be scheduled, wherein Mayor Beesley, Professional Consultant, Matt Dixon, and he will deliberate ordinance modifications and compose an amended draft for further review. Commissioner Faulkner concluded that when the Overlay is explicitly tied to these conditions (trails, parks and open space), a developer can make a realistic assumption of the acceptability of their Residential Overlay proposal by referring to the Parks, Trails and Open Space Master Plan. Chairman Maw identified two things in the recent ordinance revision, associated with the required Public Amenity, that need to be clarified:

- A Public Amenity is owned by the City.
- A Public Amenity shall be accessible and of use to the public.

He proposed defining “Public Amenity” as: “a resource or facility, provided and owned by the local jurisdiction, for public use.” He suggested that a list of advisable Public Amenities be included, without defined limitations. He noted that Parks and Trails would be on the list. Commissioner Faulkner considered adding a Public Library to the list of advisable Public Amenities. Chairman Maw assessed including a Recreation Center on the list. He indicated that he will forward any new information and/or amended draft of the ordinance to commissioners, promptly, when received.

8. Report from City Council:

Commissioner Faulkner reported concepts from the Work Session with Planning Commission on Amendment to Residential Overlay Zone. She announced the final approval of Sunset Meadows, phases 2 and 3. She indicated that phase 1 of the West Park subdivision was also approved. She commented on the presentation of 2020 Street Improvement Projects and affirmed that the proposal was approved by Council. She noted that the purchase of a new lawnmower for the Public Works/Parks Department was okayed. She remarked on discussion of the potential annexation of unincorporated western land. She explained that petitions for annexation were accepted at the meeting but some property owners, thought to be on a list of previously accepted petitions, did not want to be annexed into Plain City at this time. She informed that accommodations were made for those wishing to withdraw. She reported that the City Council passed a resolution on an Interlocal Agreement for CARES Act Funding Distribution.

9. Commission Comments:

Commissioner Jenkins reported information provided at a Development Review Committee meeting he attended with Commissioner Skeen. He indicated that Nilson Homes presented concepts for the Christensen property at the meeting. He explained that there are two routes Nilson Homes can take to achieve their goals for development of the currently unincorporated parcels. He reported that Mayor Beesley will connect with Weber County Commissioners to strategize Plain City’s role in the process. He stated that Nilson Homes is concerned over anticipated scheduling delays if plans for their project must be processed wholly through Plain City. He briefly described a presented development concept. Commissioner Neil outlined Future Land Use Map designations for the Christensen property. Commissioner Faulkner stated that Nilson Homes representatives have expressed that they oppose a process that requires a number of reviews and approvals after the overall development is approved. She countered that City procedures are in place for a reason.

10. Adjournment

Motion: Commissioner Jenkins motioned to Adjourn at 8:03 p.m. – Commissioner Faulkner seconded the motion. Vote: Commissioners Faulkner, Neil and Jenkins voted aye. Motion carried.

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<u>Neil</u>	<u>Faulkner</u>	<u>Maw</u>	<u>Jenkins</u>	<u>Skeen</u>	<u>Ortega</u>
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Planning Commission Chair

Planning Commission Secretary

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