

**Plain City Planning Commission  
Minutes of Meeting  
December 10, 2015**

Minutes of the Plain City Planning Commission held on Thursday December 10, 2015 at 7:00 p.m. located at the Council Chambers of the Plain City Hall, Plain City Utah 84404.

**GOOPY**

Present: Chairman	Blake Neil
Vice Chair	Buddy Sadler
	John Leonardi
	Jarod Maw
	Mark Osenbach
	Cheri Sparks <i>Alternate</i>
Staff:	Kathy Campbell

**Attendees:** Joel Maw, Mary Lou Heslop, Jeremy Crowton, Terri Jensen, Anne Farley, Wendy Farley, Craig Adams, Nancy McKellar, Sean Jones, John Shaw, Bill Walley, Steve Miner, Rebecca Cannon, Michael Dewey, David Lloyd, Monica Hanks, Ashlee Combe, Lauren Beal, Mieke White, Justin Anderson, Artie Pearce, Lynn Hinrichs, Brett Ferrin, Sheri Barahona Stimpson, Kent Beckstrom

**Called to Order:** Chairman Neil conducted the meeting. A prayer was given by Mark Osenbach.

**Public Comments:** *Mary Lou Heslop 4319 W 1975 N* stated she was looking forward to having Kent's Market come to Plain City. She said she could see that there would be more traffic. But twenty years ago there was never a problem with traffic or crime when the grocery store was across the street from the Plain City Elementary. The store personnel, school teachers and parents worked together to make sure that kids were in school it was never a problem with the store being that close to the elementary. She recounted that she had read an article in the paper that said that people are being left out of the picture. She said the article said that people need good food and vegetables in their neighborhoods. She explained that the article said it is a hardship on neighborhoods when there is not a grocery store in the neighborhood. The article told about a lady that the grocery store in her neighborhood had closed and now she had to pay someone \$10 to take her to the store once a month to get all of her grocery's including fresh fruits and vegetables. This increased expense made it a hardship. *Justin Anderson 3729 W 1975 N* said his concern is the drain water from the large parking lot that is going to have to go somewhere and the storm drain is to the east of his home. He said the ditch has not been cleaned out for eight or nine years and since Plain City took it over from the county it has never been cleaned. He reported that they continue to lose more land to the rising water in that area and with more water going down the storm drain from the parking lot the additional water is going to have to be addressed. *John Shaw 2969 N 3300 W* expressed that he is thrilled that Kent's wants to come back to Plain City. He said he would hate to see a Wal-Mart in Plain City, but he felt it would be a blessing to have Kent's. He said that he had worked with Kent's and had found them to be fair and honest people. *Anne Farley 3491 W 3050 N* said that Kent's would be an asset to the city. She said the cities first priority is to invest responsibly. She felt that Kent's has been very responsible to the city and has gave a great deal of information to the city concerning the store and the development. She stated there are people for the store and people against the store. She ask that a decision be made soon. She said she taken time out from studying for finals to come

tonight. She continued that she has lived outside of Utah and she has seen towns go broke because they did not have revenue. She said that Utah and Plain City is growing and there are a lot of vehicles on the road. She ask the planning commission to make the best decision for Plain City and do it responsibly. *Rebecca Cannon 3439 W 2350 N* stated that she is concerned about eleven acres being zoned C-2. She said she felt that five acres would be sufficient. She said she would like to see an old time market and this development is much bigger. She thought the old market could fit in this development ten times. She said she is not against the market. She said she is concerned about a re-zone change before there is a development plan. She knew the planning commission also has a concern about the size and height of the building and signs and she would like to see the development done correctly. She ask that the city stick to the masterplan that shows a park next to the C-2. She also said she understands that there are a large group of people that wants to see a store in Plain City. She said she is not thrilled about the location but would like to see a development like Park City's more than developments in Roy City. She also would like to see the correct lighting and ask that the development not be a cookie cutter development. *Artie Pearce 2145 N 4100 W* said that she had gotten up at 6:00 am to go to the Kent's Market sale. She said if Kent's Market had been in Plain City she would not have had to get up so early in the morning. She thanked the commission for the time and work that they have done concerning this development. She said she trusts that the commission has looked at everything and will do the right thing and that it will be done in accordance to what the citizens want. *Monica Hanks 2732 N 3375 W* stated she is concerned about the zoning change because it is in a residential neighborhood. She said the road is not wide enough and kids will be walking to school. She ask that it be rezoned to C-1 instead of C-2. She also ask that the commission have the whole development plan before going forward with a rezone. *Joel Maw 3341 N 3900 W* said he was speaking as a citizen. He recounted that when growing up here there was a store in Plain City and it was very convenient to have a store in Plain City. He explained that Kent's had purchased Olsen's grocery store and they had been great to work with. He said Kent's Market would be a great neighbor and he felt that Kent's would be good to work with the city and that they would address the items that people are concerned with. He said he is also concerned with the traffic and with the children walking to school and his grandchildren also walk to school. He said asking Kent's to spend all that money before it is rezoned is asking a lot. He said Kent's can be asked to do this after it is rezoned. He said he firmly believes that the planning commission should vote for the rezone. *Nancy McKellar 3775 W 2600 N* said she wants to say ditto to everything that Joel said. She said we are asking too much of Kent's to spend that amount of money before it gets rezoned. She explained that roads are not always straight and roads can be widened and changed. She has seen this done in Brigham City and sidewalks can also be built and added. She stated that Plain City is ready for a store. *Sean Jones 4773 W 1850 N* said he had not been to a meeting to support the Kent's since the public hearing. He said that the only people that have continued to attend the meeting are the people that are against the development and Kent's. Those that are in support have not been coming to the meeting. He reminded the Planning Commission that he had 400 signature in support of the store and he was worried that the commission was getting wishy washy about Kent's. He said he is in support of the store and would like to see a decision made quickly so that he can shorten his 11:00 p.m. milk run to the store for his wife.

**Discussion/Motion: Preliminary – Adams Subdivision 4425 West 2650 North -2 Lots**

Chairman Neil ask Craig Adams if he had seen the city engineers comments. Craig Adams said he had and he is not a developer. He stated that he has his water shares. Chairman Neil ask if Mr. Adams had looked at number six on the city engineers comments concerning the right-of-way widths in the city should be 60 feet wide and this development should dedicate 30 foot half width along 4425 West and 2650 North Streets. Commissioner Maw

clarified that it should be the 30 feet instead of the 33 feet that is on the plat. Commissioner Sadler ask if the city needs to do a quit claim deed to give back that 3 feet of right away. Chairman Neil explained that the city had changed the city ordinance and the roads should be 60 feet instead of 66 feet and it would make a difference of where the road would be if a curb and gutter was put in. City Attorney Richards remarked to make sure that it lines up properly it was something that could be done. Commissioner Maw ask with one of the lots as a corner lot does the change need to be done on both the north and the west. Chairman Neil stated that is what the comments from the city engineer state and it shows it on both side, the north and the west. Commissioner Sadler explained that they would also have to be concerned about the setbacks on both sides when building a house on the corner lot. Commissioner Sadler said he thought the preliminary could be approved with the contingent that the city clean up the right of way. Staff planner Rob Scott suggested that part of the motion incorporate that the roadway width of those two road be at 60 feet. His engineer can then incorporate that on the plat and the commission would not have to take a second action. City Attorney Richards said it could be part of the recommendation as part of the Plat approval. Commissioner Leonardi said on the west side there is a ditch and it will need to be piped in according to the Plain City Ordinance 9-1-5. He said it was a Plain City irrigation ditch and is also used as a waste ditch. He ask that Craig Adams contact Doug Palmer who is on the board for the Plain City Irrigation to find out the size of pipe that will be needed to go into the slew. Craig Adams said he thought who ever purchased the property would want to do that. Commissioner Leonardi said that the ditch was not noted on the plat and it would need to be added and also the size of pipe that will need to be put in. Commissioner Leonardi ask that the cities grandfather clause 10-8-6 C stating that people cannot complain about the horses that are adjacent to their property to be noted on the final plat. Craig Adams ask if it was typical to put that on the final plat. Commissioner Maw ask the city attorney about putting that note on the plat. City Attorney Richards said it is an ordinance of the city whether it is on the plat or not and there is nothing legally wrong whether it is on the plat or not. Commissioner Sadler said the public works Mitch Wilson thought the ditch was being abandoned. Craig Adams stated that the Moyes on the west side still used the ditch and it is easy to tell that because the pipe comes right up to his property. Commissioner Sadler said that Mr. Adams will have to continue the pipe with the same size as what is already there. Craig Adams ask who is responsible for piping the ditch. Commissioner Sadler informed Mr. Adams that he is because he is the developer.

**Motion: Commissioner Sadler made an motion to give preliminary approval for the Adams Subdivision 4425 West 2650 North 2 lots. Contingent upon receiving an amended plat showing the 4425 West and 2650 North 30 foot half width road and the irrigation ditch is to be piped on both 4425 West and 2650 North. Commission member Osenbach seconded the motion. Vote: Commission members Leonardi, Maw, Sadler, Neil, Osenbach and Sparks voted aye. Motion Carried.**

**Discussion/Motion: Re-Zone from RE-20 Zone to C-2 Zone 2600 North 3600 West**

Chairman Neil ask staff Planner Rob Scott to give his report.

**SYNOPSIS / APPLICATION INFORMATION**

Application Request: Consideration and action on a legislative application to rezone land located at approximately 2600 North and 3600 West from Residential Estate Zone (RE-20) to General Commercial Zone (C-2)

Agenda Date: December 10, 2015

Applicant: Jeff Johansen, Agent



ordinance amendment would not be needed for the grocery store parapet. Since that meeting ordinance amendments have been adopted eliminating the special parking requirements for the C-2 zone and the maximum lot standard has also been deleted. A development agreement will also be drafted and be part of any rezone approval. A dark store provision was identified and this will be addressed in the development agreement.

#### Application Form

The application form requests the following information that the applicant will need to provide:

1. Summarization of:
  - Current Plain City General Plan classification and zoning classification
  - Requested change to the General Plan classification and zoning classification
2. For what reason(s) do you suggest the change? The applicant is responsible for justifying the requested change to the General Plan and Zoning. Issues to be evaluated will include, but are not limited to:
  - Adopted goals and policies as expressed in the Plan City's General Plan
  - Adjacent land uses
  - Populations served
  - Transportation impacts
  - Public facilities (water, sewer, storm water, parks, schools, etc.)
  - The type of use requested and reasons why this use should be on this site
3. What is the estimated development schedule?
4. Attach a list of all adjacent properties within 500 feet. (Parcel#, name, mailing address)

Staff Comment: The applicant has provided additional information including a letter dated July 7, 2015 that addresses the needed information in the application form. (See Exhibits A and B)

#### Zoning Ordinance

In examining this request the Planning Commission will want to examine the following provisions from the C-2 zone:

##### **10-6B-1: PURPOSE AND INTENT:**

- A. The general commercial zone is established to provide locations for a full range of office, retail commercial, and service uses which are oriented to serve the city as a whole, as well as a regional market in Plain City. A variety of activities are encouraged, especially those which promote both daytime and nighttime consumer activity.
- B. The general commercial zone includes uses usually associated with central business district and shopping facilities which are not ordinarily compatible with single-family residential uses.
- C. In order to stabilize, improve and protect the city's commercial areas, standards are established to ensure a quality urban environment with landscaping, light and air at street level, well defined urban spaces, and compatibility of building materials, colors, and textures. (Ord. 2004-12, 8-5-2004, eff. 8-5-2004)

Staff Comment: The purpose statement for each zone gives direction as to what the City desires from applying this zone classification. This will allow a comparison to the application and the City desires.

**10-6B-2: USE REGULATIONS:**

Staff Comment: The applicant has prepared in the draft development agreement a list of prohibited uses. The Planning Commission should review that list of uses to see if it is acceptable for this location. (See Exhibit P)

**10-6B-3: SITE DEVELOPMENT STANDARDS:**

A.	Minimum lot area	None
B.	Minimum yard setbacks:	
	1. Front	20 feet for main building, walls or fences over 3 feet high
	2. Side	None, except 10 feet adjoining a residential zone
	3. Side, facing street on corner lot	20 feet
	4. Rear	None, except 10 feet adjoining a residential zone
C.	Building height:	
	1. Minimum	1 story
	2. Maximum	35 feet
D.	Lot coverage	The aggregate area of all buildings shall not exceed 40 percent of the entire lot

Staff Comment: The maximum size requirement for C-2 zones has been amended to not have a maximum size but judge each application on its own merits. The setbacks shown on the site plan are met. The current building occupy approximately 14% of the site.

**10-6B-4: SPECIAL PARKING REQUIREMENTS:**

Off street parking facilities shall follow the provisions of chapter 9 of this title.

Staff Comment: The parking standard in chapter 9 for retail businesses is: 1 space per 200 square feet of sales floor space in building. This equates to 5 stalls per thousand square feet of sales floor area; it does not include storage space. There are 357 parking stalls shown on the site plan and 67,875 square of floor space. 340 stalls are required. This requirement is met at 5.26 stalls per thousand feet of floor space.

**10-6B-5: PROTECTION OF ADJOINING RESIDENTIAL PROPERTIES:**

Where a general commercial development adjoins any lot in any residential zone, there shall be provided and maintained along such property line an opaque fence of not less than six feet (6') in height; provided, however, that such fence shall be three and one-half feet (3<sup>1</sup>/<sub>2</sub>') in height along the property line which bounds the front yard of adjoining residential lots. At least fifty percent (50%) of such wall should be maintained with a minimum six foot (6') wide planting strip and landscaping with trees and shrubs. (Ord. 2004-12, 8-5-2004, eff. 8-5-2004)

Staff Comment: The landscape plan shows a 6 foot vinyl fence along the west and south boundaries of the project.

**10-6B-6: GENERAL REGULATIONS:**

- A. Ownership: A C-2 zone may be established only upon land held in single ownership or under unified control, or where the planning commission determines that commercial development on separate adjoining properties should be coordinated to form a physically unified commercial facility which will be compatible with the surrounding land uses. At the time a C-2 zone is established and before building permits are issued, deed restrictions on the properties covered under the zone change shall be filed by the applicant or owners of the subject property with the county recorder and shall provide that development take place on such property or properties in accordance with the final site development plan approved by the city council and on file with the city recorder.
- B. Nonconformities Prohibited: A C-2 zone shall not be established upon a tract of land which would contain a nonconforming use or its integration into planned development.
- C. Relationship to Master Plan: The location of the C-2 zone shall have an acceptable relationship to and further the purposes of the master plan of the city as determined by the planning commission. (Ord. 2004-12, 8-5-2004, eff. 8-5-2004)

Staff Comment: Section A and C will need to be addressed. Section A calls for the commercial facility to be compatible with surrounding land uses. The site design shows a vinyl fence on the west and south boundaries along with the required 10 feet of landscape buffer. The driveways have been aligned to generally be placed facing garages or at lot lines for the residential homes east of 3600 West.

A development agreement should also be approved as part of any rezone approval.

Staff Comment: This will be addressed in a separate paragraph below.

Section C address the need to be compatible with the General Plan. A separate section will address this criteria.

**10-6B-7: SUBMISSION OF APPLICATION:**

A rezoning petition for a general commercial zone shall be submitted to the planning commission and shall be accompanied by a preliminary development plan for the commercial center showing a unified and organized arrangement of buildings and structures and their proposed uses, off street parking, internal and external traffic circulation and service facilities, and schematic architectural drawings, landscaping plans and sketches demonstrating the design and character of the proposed development. The developer shall submit all evidence deemed necessary by the city council and/or planning commission of his ability to undertake the proposed project. (Ord. 2004-12, 8-5-2004, eff. 8-5-2004)

Staff Comment: A development plan, building location, proposed uses, off street parking, internal and external traffic circulation and service facilities, schematic architectural drawings, landscaping plan and sketches have been submitted. The Planning Commission and City Council can and have requested additional information that is addressed in the next section. (See Exhibits A, B, C, D, E, and F)

**JOINT WORK SESSION LIST OF CONCERNS**

The City Council and Planning Commission held a joint work session on September 24, 2015 and identified additional items they wanted addressed. The applicant has provided a letter addressing these concerns in a letter dated November 23, 2015. (See Exhibit D)

## LIST OF CONCERNS FOR THE DEVELOPMENT

The following list contains those items the City Council and Planning Commission want to see addressed in the project design:

- Traffic access locations, truck routing within the project, semi access onto 3600 West, and the orientation of the entrances toward both 3600 West and 2600 North  
Staff Comment: The applicant has provided an amended traffic study and analysis. Any improvements to 2600 North must be approved by the Utah Department of Transportation. The report indicates that the site design can be made to work. The applicant also addresses the mechanism for how the truck traffic will flow for the project area. One item that may also help with this is identifying the times when trucks will be on site.
- The entrances to 3600 West should be adjusted to line up with property lines of lots on 3600 West  
Staff Comment: The driveway entrances onto 3600 West appear to either align with property lines or are directed to garages. The Planning Commission will need to determine if the design is appropriate.
- The amount of hard surface vs. landscaping  
Staff Comment:
  - The site is 11.1 acres (483,520 square feet)
  - 313,883 square feet of hardscape including buildings,
  - 67,875 square feet in buildings
  - 38,555 square feet of landscaping or 9.15% of the site
  - 100,000 square feet will be reserved for future development on pads A, B, and C
- Lighting and how this will be oriented as part of a dark sky design  
Staff Comment: The outside lighting will be LED lights that project downward. Examples of lighting fixtures have been submitted. (See Exhibit D, and G - L). There will be exterior lighting on the buildings and in the parking lot. The exact locations will be provided on the final site plan.
- Building heights  
Staff Comment: The applicant has indicated that the height of the buildings will meet the 35 foot maximum with some allowance for parapets.  
  
A building elevation has been provided showing a split block wall with accent materials for the front elevation; the peak elevation will be 35 feet. The exterior material for the other three sides will be a split block that is either painted or colored. The colors for the center will be earth tones. The final elevation, building materials and color palette will be approved as part of the final site plan approval. (See Exhibits F and Q)
- Provide adequate buffers to the residents on 3600 North and the property to the west in a combination of berms and landscaping that will not impact these homes from lights as well as being able to back out of their driveways.

Staff Comment: The landscape plan shows a one foot high berm with 3 foot high shrubs to provide a buffer.

- Provide information on the future pads, the relationship to parking in the center and the size of the pads, e.g., can they be adjusted

Staff Comment: The applicant has indicated that the pad size provide for flexibility in future design. These pads will be subject to the development agreement including a separate site plan review.

- Signage. The final sign plan will be submitted as part of the final site plan. Examples of similar signage are included. (See Exhibits D, M, N, and O)

### **DEVELOPMENT AGREEMENT**

The applicant has provided a draft development agreement that address the list of prohibited uses. (See Exhibit P) In addition to the list typical development agreements provide for the findings of how the project complies with the City General Plan and ordinances, specific future review process (site plan review including the review by the City Engineer and outside agencies), compliance with any special concerns or considerations, dark store provision, and the future development pads. The applicant's legal counsel is working with the City Legal Counsel to produce an expanded development agreement.

The development agreement purpose is to try to supplement or provide clarification for those type of items. It is agreement between the city and the development relative to those items. It is agreement that must be approved by the City Council and the City Council has ultimate control over the development agreement. Once the property is rezoned and the development agreement is signed the applicant can go forward with submitting a site plan that will be reviewed against the development agreement and the ordinance. Rob Scott said that there had been some question about dark store provisions and he has given the commission some information from an article that identifies and talks a little bit about dark stores and ordinances around the county. The majority of those are cities have multiple big box developments and their main concern is the amount of commercial is exceeding the ability to be able to support the developments. In looking at this development there is currently a minimal amount of this type of development in the city. This may or may not be as big of a concern in this particular project as it might be in a future project.

### **GENERAL PLAN**

The Plain City General Plan was adopted in April 2007. The General Plan has an overall General Plan map and also other identified maps, e.g., a Parks map. The Parks map and the General Plan map are not consistent. The General Plan map calls for this property to be a combination of commercial and park land. The Parks map calls for this entire parcel to be a park. This was discussed and a determination made that this conflict will be addressed at the next General Plan update.

The Plain City General Plan was adopted in April 2007. Chapter 8 Economic Development Policy H: Evaluate Plain City's current and future commercial retail land uses to assure the City's commercial retail development reaches its full potential.

## **PLANNING COMMISISON CONSIDERATIONS**

- Is the application complete?
- Is the proposal consistent with the General Plan?
- Does the proposal comply with the Zoning ordinance?
- Has the additional information requested by the Planning Commission been addressed?
- What items does the Planning Commission want to see addressed in the development agreement?

## **STAFF RECOMMENDATION**

Review the attached application exhibits and determine if they meet the intent of the City ordinances, General Plan, and the issues raised in the September 24<sup>th</sup> joint work session. Discuss the development agreement provisions to determine if the Planning Commission would like to see any additional information or any revisions. If the Planning Commission is satisfied with the application, exhibits, and development agreement they can make a recommendation to the City Council.

## **EXHIBITS**

- A. Application
- B. July 7, 2015 Letter
- C. Site Plan
- D. November 23, 2015 Letter
- E. Landscape Plan
- F. Building Elevation
- G. Light Fixture
- H. Light Fixture
- I. Light Fixture
- J. Light Fixture
- K. Light Fixture
- L. Light Fixture
- M. Sign Example
- N. Sign Example
- O. Sign Example
- P. Draft Development Agreement
- Q. Color Palette

The city attorney Brandon Richards said that as far as the development agreement goes, one piece has been submitted related to the use restrictions which is good and appropriate. Also in the C-2 zone there are prohibited uses already and some that are conditional use. Some of the restriction on this piece flow from the previous work session. There are other things in the staff report and the conventional piece including the color pallet that could be incorporated in the final

development agreement. Which are things that are not in the ordinance but things that are being proposed as part of this application. Attorney Brandon Richards said we have a piece of the development agreement and if there are other things that you would like to incorporate into it you can do that when you are making a recommendation for the rezone. You could put those items in the development to be consistent with what we have seen here. We do not want to rezone it on what we see here and then when the site plan comes up have something very different. If there are other items that seem very important to you and you can add those items to the development agreement and that will be put together and submitted to the city council. They would seek input from the developer and then that would be signed as part of the site plan approval process before the development actual begins. Attorney Brandon Richards said he agrees with Rob Scott that it bridges gaps between the rezone and allows them to come in and follow the cities ordinance, but there are also other things that we would like to see in the development. The big items would be incorporate things that are in the staff report that are not covered in the ordinances and if you do like what you are seeing as far as the proposal that may be something that you want to recommend and incorporate into the development agreement. When the site review comes back to you and then you see what you thought you were going to see when it was rezoned. If there are things that you want to see it would be appropriate to make that recommendation when it goes to the city council for final decision. Commissioner Leonardi ask if they have to decide what they want in the development agreement tonight. Attorney Brandon Richards said to clarify we are at the rezone phase and not the site plan review. At this point it is conceptual what they are proposing and they have put together more than what they were required to for a rezone request and you have a lot of information. Attorney Brandon Richards said you do not have to nitpick everything you want to see on the site plan approval. On a broader sense if you like what you are seeing proposed here and what they have done with the conceptional plan then it would be appropriate to say we want to see that as part of the development agreement. Then they will stick to something like that after the rezone. We do not want to have them coming in with something completely different after we have granted a rezone based on this conceptional application. He clarified that anything that is linked to the site plan approval process you should not be worried about tonight. The developers will be back for final approval on the site plan and you will get to review it that at length at that time. Commissioner Leonardi ask if uses have to be taken care of before the site plan approval. Attorney Richards said there is an extensive list already and there are prohibited uses in the ordinances already. They will have to comply with the exhibits to the staff report where some of the use restrictions that was talked about with them at the staff meeting and has been incorporated into the development agreement and they are willing to agree to this which will cover a lot of the use restrictions. If you think of a particular use restriction that is not covered you could point that out as part of your recommendation. He continued that the use restrictions that are part of this piece development agreement that has already been agreed to by Kent's. Which is in addition to what is prohibited to that zone. Commissioner Leonardi said that there is a tire shop in Kent's agreement and it is prohibited in our C-2 zone. Commissioner Leonardi ask if the tire shop has to be taken out tonight or if we pass it with that are they under the impression that they can have a tire shop. Attorney Brandon Richards said they have a tire store, no automobile maintenance or repair facility but a store that can sell tires. Commissioner Leonardi said our ordnance says no recap, sales or service on tires in a C-2 zone. Do we have to take that out tonight? Commissioner Maw clarified that what he thought Attorney Richards is saying is that as part of our motion we can say we want to see certain things on the development agreement. Attorney Richards stated that sometimes we get ahead of ourselves and he sees it like a site plan review for a subdivision. We are currently at the rezone phase and with this particular development it is appropriate to want to know a lot more conceptionally about what is coming in verses someone coming in on a subdivision. Then you know basically what you are going to get. With that being said there is a certain extent where it

is similar to the other comments made about coming in with full blown documents when they don't even know if they will get a rezone or site plan approval. We do have the start of a development agreement and if there are other items you want to see make it part of your motion for recommendation to the city council. Commissioner Osenbach stated that he did appreciate Kent's Market submitting all of the documents that they have provided. He ask that they think out of the box and honor Plain City's heritage and history when planning the development. He ask that they be thoughtful with their architectural and signage and commented that there several trucking companies that started in Plain City. He ask that the motif and landscaping compliment who we are. Celebrate with us and let us see that in the development. Commissioner Sadler ask if the berm could be high enough to block the lights from the parking lot. He ask that the berm be 4 to 4 1/2 feet tall before the plants are put in the berm. He said he thought the commission should designate the kinds of trees that will be planted. Commissioner Sadler said on 3600 West the transportation plan on the master plan requires the road to be 70 foot road and not a 60 foot road. Commissioner Sadler stated the road needs to be 70 foot or 66 foot road because the development will require that little bit of extra footage to have the easements regressive. Commissioner Sadler said he is not sure of what they are doing to cap the pads off until they are developed later. He feels like we need to know what they are doing there. Staff planner Rob Scott said that they could speak for themselves but it was his understanding that they have commented to provide some type of landscaping within a year until something goes in. Planner Rob Scott said he received ahead nod that he was correct. Commissioner Maw ask when they do their preliminary site plan they have a description of what they are going to propose for the pads until the pads are developed. Commissioner Sadler said the pads should only be one story high and the information that they had gave us on dark sky was very good and he ask that there not be a lot of backlit signs. Commissioner Sadler ask if there was documentation from UDOT for 2600 North. Commissioner Sadler also clarification that only 11.8 acres was being rezoned and not the whole parcel. Commissioner Sadler commented that a vinyl fence meets the cities requirement but questioned if it is adequate if snow and ice is thrown against it. Chairman Neil stated that the Maverick had a vinyl fence and then came back and ask if they could put a chain link fence in because they were tired of replacing the broken fence. Commissioner Sadler said that there had also been a discussion about not having heavy trucks on 3600 W and putting a weight limit on that road. The current drawing does not show another way to service the project without putting trucks on 3600 W. Commissioner Maw said he appreciated all the information that they have provided. He ask that the pads be addressed on the development agreement and that there should be a review process as stated in Rob Scotts report and should be part of our motion. Commissioner Leonardi said they had been told that the application is complete but the city ordnance says building, structures and their proposed uses. He continued that we have not been told what the proposed uses are. Attorney Brandon Richards said he could address that, as for proposed uses they are addressing that in the negative by saying these are the things that are not going to go in the development and then they will conform with our ordnance with anything else that will go in the development. Attorney Brandon Richards said if you look at our list of approved uses it will be something like that which will go in the development agreement. He continued that he does not know how an applicant can say these are the things that will go in the development when they do not know. The commission will have to look at the table and know that what comes in will be one of those uses. Commissioner Leonardi said that our ordinance say's that they can have an animal boarding house. Commissioner Leonardi said he did not want to see animals boarded there or an automobile body shop in this development and can items that we don't want to see in the development be addressed. Attorney Richards said that they have already addressed the use restriction of the body shop and there will not be an automobile facility there. Commissioner Leonardi said he is looking at the noise pollution. Commissioner Maw said he looks at a broader term whether it is commercial or is it

mercantile. Commissioner Leonardi ask if now was the time to address the setbacks for the back of the building. He continued that we do not want the back of the building on the property line. Staff planner Rob Scott clarified that there are other provisions that they will need 20 foot setbacks on all the streets and they have to landscape. Commissioner Leonardi ask if the berms are 4 ½ feet tall do we need to address stop signs now, because you may not be able to see when exiting the development. Attorney Richards stated that is something that can be addressed with the site plan review. Chairman Neil said the dark store has been talked about and it is something that we can continued to addressed as part of the development agreement. He continued that going forward and after talking to Staff planner Rob Scott and Attorney Brandon Richards this document is a living document as it goes forward with the site review.

**Motion: Commissioner Maw made an motion to recommend to the City Council to Re-Zone 2600 North 3600 West from RE-20 to a C-2. With the following contingency's the Development Agreement be amended to address the following uses be excluded. Apartment, multi –family dwelling, trailer park, automobile body shop, Automobile repair, service, emissions and inspection, Car Wash, automatic or manual, Carpenter shop, Cabinet Shop, Contractor shop, Drive thru window for fast food vendors, Household pet boarding, Laundromat, Lawn and garden equipment service and repair, Outcall service for adult sexually oriented, Repair shop for any motor vehicle, motor boats, motor's or RV's, Smoke and or tobacco shops. In addition, the use and temporary finish of the additional pads be approved by the city. The dark store initiative be addressed. The staff report of September 24, 2015 be adopted. Commissioner Osenbach seconded the motion. Vote: Commission members Osenbach, Neil, Sadler, Maw, and Leonardi voted aye. Motion passed to recommend to the city council.**

**Cancelation of December 24, 2015 Meeting.**

**Motion: Commissioner Sadler made an motion to cancel the December 24, 2015 meeting. Commissioner Maw seconded the motion. Vote: Commission members Osenbach, Neil, Sadler, Maw and Leonardi voted aye. Motion carried.**

**Approval of Minutes: November 12, 2015. Commissioner Leonardi made an motion to approve the minutes as corrected. Commissioner Maw seconded the motion. Vote: Commission members Osenbach, Neil, Sadler, Maw and Leonardi voted aye. Motion carried.**

**Report from the City Council.**

Chairman Neil report there was a discussion about block grants, for the move of the restrooms at the Lions Club Park. There was a recommendation for sidewalks and to fill in the ditches on 2600 North. There was also recommendations for the park and a walking path on 3600 West. The mayor ask that the planning commission look into the sewer coming from Box Elder that is a Randy Marriott proposal.

**Commission comments.**

Commissioner Sadler said he would like to see the berms higher in the development and that the type of trees be addressed so that they are not twigs. Commissioner Maw said he would look at Ogden City standards for berms. Staff planner Rob Scott said North Ogden also has some standards that could be looked at. Rob Scott explained that according to ordnance the berm has to be twenty feet which would give them a lot of flexibility to slope the berm. Commissioner Sadler said he would rather see trees in the berm than in the park strip and he ask if they could up with a creative way to buffer the back unloading dock when the trucks are unloading at night. He said he would also like to see them come up with a way to keep trucks off of 3600 West.

Commissioner Sadler questioned if they really want someone else's sewer coming to our sewer ponds. Commissioner Maw said he had been working with DAT and he has received more information from Craig Call and wants all the information before he gives out the information. Commissioner Leonardi thanked Commissioner Sadler for all the work that he has done in the Planning Commission. Commissioner Leonardi said he thought that they were not allowing basements in the Taylor Parks subdivision and it appears that there are several homes going in with basements. He ask who would be liable if they get flooded. Commissioner Sadler said he thought if they had a geotech study saying they can go lower they are allowed to. Commissioner Leonardi explained that he had met with Jackson Ranch, the City Engineer and Joe who does traffic studies, concerning the road that is being proposed to come out on 1975 N. He said option 1 was a cul-de-sac and removal of the asphalt from the existing road, option two was standard round about, option 3 was the large turn outs with a center lane, acceleration and deceleration roads, option 4 the small road on the north would be removed and have the road coming out to the east a one way road. They have ask that Chairman Neil bring them back the option. Commissioner Sparks said when traveling west the sunset can be blinding on those curves. Commissioner Sadler said he thought the best place to bring a road in is in the middle of the curves and speed was also a concern.

**Adjournment:**

**MOTION: Commissioner Sadler made an motion to adjourn the meeting at 8:35 p.m. Commissioner Maw seconded the motion. Vote: Commission members Osenbach, Neil, Sadler, Maw and Leonardi voted aye.**

<u>Neil</u>	<u>Carrigan</u>	<u>Osenbach</u>	<u>Maw</u>	<u>Sparks</u>	<u>Leonardi</u>
			Jan 7	Jan 21	Feb 4
Feb 18	Mar 3	Mar 17	Apr 7	Apr 21	May 5
May 19	June 2	June 16	Jul 7	Jul 21	Aug 4
Aug 18	Sept 1	Sept 15	Oct 6	Oct 20	Nov 3
Nov 17	Dec 1	Dec 15			

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 Planning Commission Chair

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 Planning Commission Secretary

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