

**Plain City Planning Commission
Minutes of Meeting
November 12, 2015**

Minutes of the Plain City Planning Commission held on Thursday November 12, 2015 at 7:00 p.m. located at the Council Chambers of the Plain City Hall, Plain City Utah 84404.

Present: Chairman Blake Neil
 Vice Chair Buddy Sadler
 John Leonardi
 Jarod Maw
 Mark Osenbach 7:08 p.m.
 Cheri Sparks
Staff: Kathy Campbell

Attendees: Taylor Elm, Dustin Stanger, Rebecca Cannon, Roger Cannon, Bill Walley, David Lloyd, Sheri Stimpson Barahona, Michael Dewey, Tracie Jensen, Steve Jensen, Monica Hanks, Jeremy Crowton, Brad Searle, Brett Ferrin, Josh Bell, Andrea Bell, Lynn Hinrichs, Susan Goldsberry, Brian Goldsberry, Marcy James, Corey Tames, Ashley Bodily, Cathy Spencer, Jay Wells

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

Public Comments: *Rebecca Cannon 3439 W 2350 N* said she is concerned that the commercial zone is not compatible with family dwelling. She said that the C-2 should not be larger than 5 acres. She said Farr West has a high density development that they are planning and Plan City needs to be wise, 5 Acres is OK and that equals 2 city blocks. She ask that the Planning Commission not change the C-2 code. *Jeni Hadden 2476 N 3600 W* said the C-2 should not exceed 5 acres. *Monica Hanks 2732 N 3375 W* said 5 acres is plenty considering what is going on in Farr West with their development. *Josh Bell 4742 W 2050 N* stated that larger than 5 acres is not healthy for Plain City.

Rob Scott's Staff report

SYNOPSIS / APPLICATION INFORMATION

Application Request: Consideration and action on a legislative application to amend the maximum lot area standard in the General Commercial Zone (C-2)

Agenda Date: November 12, 2015

Applicant: Jeff Johansen, Agent

File Number: ZTA 2015-02

STAFF INFORMATION Robert O. Scott, AICP

APPLICABLE ORDINANCES

Plain City Zoning Ordinance Title 106B (General Commercial Zone (C-2))

TYPE OF DECISION When the Planning Commission is acting as a recommending body to the City Council, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

BACKGROUND

The Planning Commission conducted a public hearing on this requested amendment on October 22, 2015. There were many public comments that addressed opposition to the Kent's Market rezone request at 2600 North and 3600 West. This ordinance amendment has implications for the Kent's Market rezone request; however this amendment applies to all existing and future C-2 zones in Plain City and should be considered in this broader context.

There are currently 5 other areas zoned C-2. One of these locations is at approximately 2400 North and 4500 West and collectively is over 5 acres. A second property located at approximately 2600 North on the city's eastern boundary is 19 acres.

None of the other commercial zones has a maximum lot area standard. C-2 zones are typically identified as community commercial areas and have a 10 to 20 acre area. Guidance can also be sought by reviewing the purpose and intent section for 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)

The Planning Commission identified three options at the October 22, 2015 public hearing. The first option is to leave in place the existing 5 acre maximum for C-2 properties; the second is to eliminate the maximum standard; and the third is to set a different maximum acreage standard.

Option 1. Leaving the ordinance in place is inconsistent with existing C-2 zoning since there are two areas that already exceed the 5 acre maximum.

Option 2. By eliminating the 5 acre maximum the City can judge each application on its merits.

Option 3. By establishing a new maximum standard the City would have to determine what that standard should be, e.g., 10 acres. The question should also be asked with this option is should the City establish maximum sizes for the C-1 and C-3 zones? What is the rationale for setting such a standard?

The applicant's request can be accomplished by deleting subsection B below.

10-6B-3: SITE DEVELOPMENT STANDARDS:

A.	Minimum lot area	None
B.	Maximum lot area	5 acres
C.	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
D.	Building height:	
	1. Minimum	1 story
	2. Maximum	35 feet
E.	Lot coverage	The aggregate area of all buildings shall not exceed 40 percent of the entire lot

GENERAL PLAN

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 COMMISSION CONSIDERATIONS

- Is the proposal consistent with the General Plan?
- Is the proposal consistent with the C-2 purpose statement?
- Is there a need for this maximum lot standard?
- Which of the three options is appropriate for Plain City?

STAFF RECOMMENDATION

Public comment was received on October 22, 2015. The Planning Commission tabled action on this item to further consider three options. This is a policy issue before the Planning Commission. If the Planning Commission determines that a maximum lot size is not needed then the Planning Commission can make a recommendation to the City Council for adoption of the attached ordinance. If one of the other two options are recommended then the attached draft ordinance can be amended to reflect that recommendation.

EXHIBITS

- A. Application
- B. Draft Ordinance

Chairman Neil said there is justification to insure goals are met with option 2. Each applicant would need to show their case. Commissioner Osenbach ask if the other two commercial zones are out of compliance. Rob Scott said there are three commercial Zones C-1, C-2 and C-3. They

would line up if a change is made. Commissioner Osenbach ask if there would be more flexibility if there was no maximum. Rob Scott said the applicant would have to show what is needed for the development. Commissioner Sparks ask if it would give us more control of what can come in the development. Rob Scott said the acreage might impact a development but the uses for developments are already in the ordinance. Commissioner Leonardi ask if Kent's market could ask for two 5 acre developments. Rob Scott stated then it would be a subdivision and it would still need to be rezoned. Commissioner Neil said he had talked to the city attorney and the other C-2 areas would need to be corrected if this change is not made. He said what is being recommended is what came out of the work session with the City Council and Planning Commission. It had been tabled until they could contact Rob Scott. Commissioner Leonardi recommended dropping the 5 acres maximum and each applicant should stand on their own merit. Commissioner Maw told the commission he had done research and he had only found one city that had a maximum limit. He said he was in favor of dropping the 5 acre. Commissioner Leonardi explained within the development they can only have buildings on forty percent of the development. Commissioner Sparks agreed with option 2 and to look at each applicant on their own merit. Commissioner Maw started to make a motion to revise the ordinance by deleting paragraph B. Commissioner Leonardi ask that it stated each applicant stand on their own merit. Their was a discussion about adding that it was to include landscaping and site plan. Rob Scott said sub section seven includes the site plan, landscaping and approval by city council. Commissioner Maw confirmed with Rob Scott that is already in section seven.

Motion: Commissioner Maw made an motion to eliminate paragraph B in the Plain City Zoning Ordinance Title 10-6B (General commercial Zone C-2) 10-6B-1 and 10-6B-3 Site Development Standards. Commissioner Leonardi seconded the motion. Vote: Commissioners Leonardi, Maw, Sadler, Neil, Osenbach and Sparks all voted Aye. Motion Passed.

Commissioner Leonardi made an motion to cancel the November 26, 2015 meeting. Commissioner Sparks seconded the motion. Commissioners Leonardi, Maw, Sadler, Neil, Osenbach and Sparks all voted Aye. Motion passed.

Report from City Council

Commissioner Sparks reported that Randy Marriott and Cecil had proposed a plan to the City Council for a special sewer district that would include Box Elder County. Fire Chief Jeremy Crowton talked about being able to recover the cost of Hazmat clean up. November 16, 2015 is the Board of Canvas Certification and 42% of the Ballots were mail in.

Commission Comments

Commissioner Leonardi handed out a letter to the other commissioners and read what he would like to propose for the Kent's Development.

I. In addition to ordinance 10-6-1 but not limited to, the following **are excluded** from Kent's C-2 development in Plain City:

- Apartment, multi-family dwelling
- Automobile body shop
- Automobile repair, service, emission and inspection
- Car Wash, automatic or manual
- Carpenter and cabinet shop
- Contractor shop

- Drive thru window for fast food vendors
- Household pet boarding
- Laundromat

- Lawn and garden equipment service and repair
- Motorcycle and scooter service and repair
- Outcall service (sexually oriented)
- Repair shop for any motor vehicle, motor boats, motor's and RV's
- Smoke and or tobacco shops
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(These exclusions will lessen the environmental impact and noise pollution in this residential area. Our ordinance allows most of these right now, so can we use this?)

2. In addition to 10-6B-3: Site Development Standards, but not limited to, the following is in **addition** for the Kent's C2 development in Plain City:

- **Minimum yard setbacks:**

Any building, with the rear of the building facing an existing street, must have a minimum of ten (10) feet setback.

(This will prevent the rear of any building being built on property line next to the sidewalk. This will also allow room for the public utility easement.)

- **Building height:**

One building maximum of 35 feet including any and all parapet walls. The remaining buildings maximum height is the average height of all real property within 500 feet of this development.

(This clause will prevent all building build to the maximum height of 35 feet plus an additional parapet wall. This will help Plain City maintain building height and prevent a large scale concrete development.)

3. If any building within this development is vacant for two consecutive years, Plain City will be given the opportunity to use the building, rent free, on a year to year basis.

(No one can predict the future with 100% accuracy. If this clause is accepted, there is less of a chance for blight to occur and for the citizens of Plain City to still benefit from the development. We are all familiar with the length of time it took to demolish the old elementary school and it makes no rational sense to demolish new buildings. If this clause was available to the old school, Plain City could have had the option of using the building as a recreation center until demolition began.)

These conditions, limitations and amendments are within the 10-6B-8 Planning Commission Approval section of our ordinance. *End of Letter*

Chairman Neil reported that December 10, 2015 would be the next Planning Commission meeting. He ask that Rob Scott look at these items. Commissioner Maw ask if these items could be put in the development agreement? Commissioner Leonardi ask that the developers for Kent's Market are told of these requirements now. Commissioner Maw said DAC had met earlier and it has to be completed in a couple of weeks. They are working on social development and are open to suggestions for the urban design. Chairman Neil ask what was the purpose of the application. Commissioner Maw responded it was to get the use of expert help with changes in the ordinance, it is free professional assistance. The general public will be involved when we get into the other items. Commissioner Osenbach ask about the benches at Pioneer Park and the development in the center of town where the old elementary school was. Secretary Kathy Campbell said it was her understanding that two of the benches where at the park and the name plaques had also been installed. Chairman Neil explained that the developer is redoing the conceptional drawings

because the developer had purchased a small parcel of property from the Palmers which will be included in the development in the center of town and they are working out details. Commissioner Osenbach ask what the time frame was. Chairman Neil responded he would have to ask the Palmers. Chairman Neil congratulated Commission Sadler with his election to the City Council. Chairman Neil said their was a letter from the City Attorney in their packets concerning the remaining parcel on Sunee Acres development. Mr. Flint has asked for more clarification from the City Attorney. Chairman Neil said he would call and talk to the City Attorney tomorrow. He ask if the commission wanted to review the remaining parcel someone could only take off one parcel leaving a remaining parcel once. He stated one reason they might want to look at remaining parcels is there could be other farmers in the community that might break off one little section and after doing that they may wanted to do develop another section, they then would have to go through the whole development process. Commissioner Leonardi said he has problems with that because then we are going from logic to emotion and the farmer could then come to the planning commission and say you let me cut a piece off for my son and now I have a daughter that wants to build and live right there also can you please make this two lots with a remainder parcel. The farmer could then continue this process and keep coming in adding parcels all the way down his property with out doing an development. Commissioner Leonardi ask if the farmer sells the ground does the stipulation go with the property. Chairman Neil said it would depend on how it is written. Commissioners Leonardi and Sadler stated they are in favor of leaving it the way it is. Chairman Neil ask if the consensus of the commission is to leave it as it is. They said yes. Chairman Neil said he would take that back to Mr. Flint.

Adjournment

MOTION: Commissioner Sadler made an motion to adjourn the meeting at 7:45 p.m. Commissioner Maw seconded the motion. Vote: Commission members Leonardi, Maw, Sadler, Neil, Osenbach and Sparks voted aye. Motion carried.

Neil	Sadler	Osenbach	Maw	Sparks	Leonardi
Dec 3	Dec 17		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			

 Planning Commission Chair

 Planning Commission Secretary