

Plain City Planning
Minutes of Meeting
July 12, 2018

Minutes of the Plain City Planning Commission Meeting held on July 12, 2018 at 8:00 p.m. in the Council Chambers of Plain City Hall – 4160 W 2200 N, Plain City, Utah 84404.

Present: Chairman Blake Neil
 Vice Chair John Leonardi
 Commissioner Jarod Maw
 Commissioner Cheri Sparks
 Commissioner Kris Carrigan
 Commissioner Shawna Faulkner
Staff: Derek Moss, Shane McFarland, Mike Kerswell

ATTENDEES: Justin Dalton, Montanela Shelton, Cody Burns, Alex Papageorge, Penny Barnes, Ralph Williams, Ellen Williams, Lance Larkin, Shane King, Cherie Hurst Dodgen, Marcy Green, Mark Staples, Bruce Nilson,

WELCOME: Chairman Neil

PLEDGE OF ALLEGIANCE: Commissioner Carrigan

MOMENT OF SILENCE/INVOCATION: Commissioner Leonardi

1.ROLL CALL: Chairman Neil conducted roll call and indicated, Commissioners Maw, Leonardi, Sparks, Carrigan, Faulkner and Chairman Neil were present.

2. OPENING MEETING STATEMENT

Chairman Neil read the opening statement.

3. EX PARTE COMMUNICATION OR CONFLICTS OF INTEREST TO DISCLOSE

None was reported

4. Public Comments for items not on the Agenda

None was imparted.

5. Approval of Minutes for June 28, 2018

Commissioner Sparks identified a typographical error on page 3.

Motion: Commissioner Leonardi motioned to approve Work Meeting and Regular Meeting Minutes of June 28, 2018 with requested correction. Commissioner Maw seconded the motion. Vote: Commissioners Sparks, Maw, Leonardi, Carrigan, and Chairman Neil voted aye. Motion carried.

6. Technical Review Report

Chairman Neil reported two lot line adjustment proposals, including one to be located in S-Curve Phase 3. He indicated, additional survey information is needed before the adjustments will be reviewed by the Commission.

7. Legislative Items:

a. Public Hearing: Nilson Homes/Pappys Homeplace, 3000 North Plain City Road -- Conditional Use Permit

Chairman Neil described the purpose of the Public Hearing as an “Information Gathering” hearing, indicating, exclusive consideration will be given to information regarding the Conditional Use Permit.

Commissioner Carrigan motioned to open Public Hearing: Nilson Homes/Pappys Homeplace, 3000 North Plain City Road -- Conditional Use Permit. Commissioner Maw seconded the motion. Vote: Commissioners Sparks, Maw, Leonardi, Carrigan, and Chairman Neil voted aye. Motion carried.

Nilson Homes representative, Mark Staples spoke positively of the neighborly attitude of Plain City residents. He stated the focus of Nilson Homes to provide options for homebuyers that seek property that requires less effort to maintain. He gave a video presentation, pointing out proposed lot size and quantity, open space, architectural details, and benefits of PRUD association. He commented on traffic planning, water conservation (storm water retention), and public school impact.

Ellen Williams indicated, she owns farmland in Plain City. She commented on access points to the proposed development. She asked if the subdivision will fit eighty-two homes in less than twenty-five acres. She referred to a concept plan that had been mailed to her, noting presumed omission of road area in a density calculation table. She mentioned difficulty navigating new neighborhoods with multiple cul-de-sacs. She spoke of infrastructure improvements that will be necessary for the development. She stated, proper planning will be key maintaining an agreeable atmosphere in Plain City.

Cherie Hurst Dodgen voiced admiration of rural life in the region where she lives. She commented on new residents that move from more urban areas and complain about the country environment. She expressed disagreement with homes being built closer together.

Owner of Nilson Homes, Bruce Nilson echoed the positive viewpoint Mark Staples expressed, when commenting Plain City citizens. He noted, Nilson Homes is currently building five similar communities in other regions of Utah. He spoke to needs of future homeowners that cannot deal with large lots and multi-level homes. He listed beneficial aspects of a Homeowner Association. Marcy Green stated serious concern with the proposed development of Pappys Homeplace. She reported aggressive actions, exacted by Nilson Homes, to acquire right of way. She commented on current traffic complications due to expanding population near North Plain City Road. She mentioned speed limit reductions and the lack of enforcement in the area. She indicated, viable and presently farmed fields adjoin the proposed development. She reported complaints about the effects of farm operation near residential neighborhoods.

Lance Larkin, referring to a concept plan for the proposed Nilson Homes/Pappys Homeplace project, questioned its harmony with the Plain City environment.

Justin Dalton remarked on maintenance of proposed open space and common areas. He referred to present development of HOA communities at Town Square and Stillcreek. He expressed concern over future resale of housing within higher-density neighborhoods. He repeated the assessment of Lance Larkin – the project does not harmonize with Plain City tradition.

Chairman Neil clarified, open space and park conditions must be approved by the City Council. He noted, the PRUD, as a conditional use, will be discussed and acted on at an upcoming Planning Commission Meeting.

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Montanela Shelton ascertained, North Plain City Road is too busy, in its present state. She reported, her son was struck by a car while riding his bike along North Plain City Road. She pointed out the rapid and continuous growth in the area where she lives. She strongly suggested providing outlets to roadways other than North Plain City Road.

Commissioner Leonardi motioned to close Public Hearing: Nilson Homes/Pappys Homeplace, 3000 North Plain City Road -- Conditional Use Permit. Commissioner Maw seconded the motion. Vote: Commissioners Sparks, Maw, Leonardi, Carrigan, and Chairman Neil voted aye. Motion carried.

b. **Public Hearing: Deletion of the PRUD Ordinance**

Commissioner Maw motioned to open Public Hearing: Deletion of the PRUD Ordinance. Commissioner Carrigan seconded the motion. Vote: Commissioners Sparks, Maw, Leonardi, Carrigan, and Chairman Neil voted aye. Motion carried.

Chairman Neil explained, a General Plan Update is in process. Residential zones are being affected. He indicated, deletion of the PRUD ordinance has been proposed and will be deliberated during this Public Hearing.

Mark Staples recited discussion of the matter in a work meeting, held prior to the Planning Commission Meeting, specifying the flexibility in development features, made possible through a PRUD ordinance. He proposed amending the ordinance instead of eliminating it. He commented on the benefit a PRUD ordinance is to the City. He indicated, the PRUD ordinance will not be used by Nilson Homes as a tool to simply increase density.

Steve Diamond asserted, a PRUD is a good means for flexibility in land use applications and building types. He commented on the provision of parks and open space, allowed by PRUD conditions. He suggested, review and revision of the existing PRUD ordinance be considered, before eliminating it.

Commissioner Sparks motioned to close Public Hearing: Deletion of the PRUD Ordinance. Commissioner Carrigan seconded the motion. Vote: Commissioners Sparks, Maw, Leonardi, Carrigan, and Chairman Neil voted aye. Motion carried.

c. **Discussion / Motion: Deletion of the PRUD Ordinance**

Commissioner Sparks evoked previous disclosures of her aversion of the PRUD ordinance in Plain City code. She noted, a review of minutes from previous Planning Commission Meetings will aptly tell her stance on the matter. Commissioner Maw reviewed the history of the adopted PRUD ordinance, voicing belief that it has not been successful. He commented on the disfunction of PRUD projects in Plain City. Commissioner Leonardi indicated, he is in favor of eliminating the PRUD ordinance. Commissioner Carrigan supported Steve Diamond's view, that the PRUD is a good mechanism for unique land use conditions. He told of PRUD projects that are working well in other communities. He cited poor management of an HOA as blamable for problems in local PRUD communities. Commissioner Faulkner commented on the implied capacity of a PRUD to accommodate affordable housing and difficulty in convincing PRUD developers to provide it. She referred to her previous arguments, that the PRUD is not a good vehicle for providing affordable housing. Chairman Blake referred to the Stillcreek PRUD and spoke of problems that have evolved. He expressed favor with the deletion of the PRUD ordinance. He told of other avenues that will be available for flexible treatment of special land use conditions.

Commissioner Leonardi motioned to recommend City Council action to delete Plain City Code, Title 11, Chapter 6 – Planned Residential Unit Development Ordinance. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Maw, Leonardi, and Chairman Neil voted aye. Commissioner Carrigan voted nay. Motion carried.

d. Discussion: Commercial Permitted Uses

Chairman Neil turned time over to City Planner, Derek Moss for a presentation on proposed Commercial Permitted Uses. Derek Moss distributed printed information to each Planning Commissioner. He described the draft ordinance, proposed for residential standards in commercial zones. He noted, this will be an addition to standards that apply to all zones. He stated the importance of clear specification of standards for permitted dwellings in commercial zones. He reviewed the draft ordinance. He indicated, “apartment” will be eliminated from the existing language in regulations for residential construction in commercial zones. He pointed out a single level directive for single-family dwellings, within commercial zones, and a maximum area (1500 sq. ft.) specification. Commissioner Faulkner asked if main level businesses with residential units above are considered in this draft ordinance. Derek Moss suggested, standards for the arrangement will be found in a “mixed-use” section of the code. Commissioner Leonardi asked about regulations on bonus rooms in residential units to be built in commercial zones. Derek Moss noted, unless there is a written exception, single-family homes in commercial zones will be disallowed bonus rooms because of height restrictions. Commissioner Leonardi proposed allowance of bonus rooms for a certain percentage of single-family homes, built in commercial zones. Commissioner Carrigan queried if specifying a minimum area for residential units in commercial zones might be advantageous. He commented on a trending “tiny home” market. He suggested a 900 sq. ft. minimum area. Derek Moss recognized the rationality in the proposal and acknowledged, a minimum area standard can be specified in the ordinance. Chairman Neil suggested changes to the proposed setback requirements. He asked for a term of identification that will be used in place of “apartment”. Derek Moss indicated, all residential units within commercial zones will be referred to as “dwellings”.

e. Set Public Hearing: Commercial Permitted Uses

Commissioner Maw motioned to Set Public Hearing: Commercial Permitted Uses Ordinance for August 9, 2018. Commissioner Leonardi seconded the motion. Vote: Commissioners Sparks, Maw, Leonardi, Carrigan, and Chairman Neil voted aye. Motion carried.

8. Administrative Items:

a. Discussion / Motion: Dollar Tree Site Plan – 2600 N 3600 W

Chairman Neil explained, a single building pad at Kelly’s Corner has been divided into two. The final amended site plan has not been recorded, but amendment application information, as presented, will be unchanged, except for lot numbering. Commissioner Maw clarified, the drawings included in the Commissioner’s packets are not correct. He indicated, lot numbering will need to be corrected and recorded before approval of the final site plan can be granted. City Engineer, Shane McFarland identified the submitted drawing as a “survey boundary” drawing. He described the intent of the representation, noting, all relevant information is present and correct. He acknowledged the need of official recording of the amended lot(s) before building can commence. He reported, the Planning Commission and City Council have approved the subdivision. He asserted, the Engineering staff is confident that proper recording will occur and it will not be unreasonable to approve the site plan under condition it be recorded. Commissioner Maw asked if the process of recording the amended site plan has commenced. Shane McFarland answered in the affirmative. Commissioner Leonardi noted, recording of the amended site has

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not been delayed due to error in presented information or failure to obtain approval for the amendment. Shane McFarland admitted, the delay is probably due to communication error. Leading Tech Development representative, Cody Burns addressed landscaping requirements, exterior finish treatments, and signage details. Chairman Neil asked if there will be a sign on the back of the building. Cody Burns answered in the negative. Commissioner Faulkner asked if lights will be present, on the back of the building. Cody Burns indicated, if lighting is approved for the back-side of the building, it will be indirect, and shine onto the building, not away from it. Commissioner Sparks voiced accord with approving the site plan, contingent on the recording being complete. Commissioner Maw proposed tabling the matter until proper recording is provable. Commissioner Leonardi stated, the lot will not be buildable until signatures are attained and final recording is complete. Commissioner Carrigan expressed content that the recording process of the site plan is underway. Commissioner Faulkner repeated Commissioner Carrigan's view. She commented on an abrupt termination of sidewalk at the south side of the building. Cody Burns took her remarks under advisement. Chairman Neil mentioned the evident mis-numbering of lots on the presented site plan. He reiterated his initial concern with the approval of the unrecorded site plan. He acknowledged precedent for contingencies on approval of similar proposals. He stated concurrence with an approval, contingent on final recording of the plat.

Commissioner Leonardi motioned to approve the Dollar Tree Site Plan –2600 N 3600 W, under condition that recording is completed. Commissioner Carrigan seconded the motion. Vote: Commissioners Sparks, Maw, Leonardi, Carrigan, and Chairman Neil voted aye. Motion carried.

9. Report from City Council:

Commissioner Carrigan reported, City Council Meeting was cancelled.

10. Commission Comments:

Commissioner Sparks had no further comment. Commissioner Maw sought permission to forward the proposed General Plan draft to UDAT. Chairman Neil emphasized, the General Plan information can only be presented as a DRAFT. Derek Moss indicated, the information can be sent to UDAT. Commissioner Leonardi proposed City acceptance of returned area, under powerlines – unusable and deemed “open space” by a developer, under condition the maintenance of granted land be the responsibility of the project HOA. He spoke of an overburdened Parks Department. He commented on tax benefits of dedicating undevelopable land to the City. Commissioner Carrigan yielded. Commissioner Faulkner had no further comment. Chairman Neil reported the receipt of an Annexation Application for the Christensen property.

11. Adjournment

Motion: Commissioner Leonardi made motion to adjourn at 8:25 p.m. Commissioner Carrigan seconded the motion. Vote: Commissioners Sparks, Maw, Leonardi, Carrigan, and Chairman Neil voted aye. Motion Carried.

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2018

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

Planning Commission Chair

Planning Commission Secretary

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July 26, 2018

Minutes of the Plain City Planning Commission Meeting held on July 26, 2018 at 8:00 p.m. in the Council Chambers of Plain City Hall – 4160 W 2200 N, Plain City, Utah 84404.

Present: Chairman	Blake Neil	<i>-Excused</i>
Vice Chair	John Leonardi	<i>-Excused</i>
Commissioner	Jarod Maw	
Commissioner	Cheri Sparks	
Commissioner	Kris Carrigan	
Commissioner	Shawna Faulkner	

Staff: Derek Moss, Mike Kerswell

ATTENDEES: Monica Hanks, Carl Miller, Mark Staples, Ronald Goers, Susan Goers, Roger Larson, Susan Goldsberry, Brian Goldsberry, Jason Bandlely, Rockwell Bandlely, Jerry Jensen, Lora Parker, Jeff Hales, Steve Diamond, Jeff Monroe

WELCOME: Commissioner Maw

PLEDGE OF ALLEGIANCE: Commissioner Carrigan

MOMENT OF SILENCE/INVOCATION: Commissioner Sparks

1.ROLL CALL: Commissioner Maw conducted roll call and indicated, Commissioners Maw, Sparks, Carrigan and Faulkner were present. Chairman Neil and Vice Chair Leonardi were excused.

2. OPENING MEETING STATEMENT

Chairman Maw read the opening statement.

3. EX PARTE COMMUNICATION OR CONFLICTS OF INTEREST TO DISCLOSE

Commissioner Faulkner reported, Steve Diamond had contacted her, asking that Discussion / Motion on the Sunflower Subdivision be moved to a deferred point on the agenda, as he expected to arrive late.

4. Public Comments for items not on the Agenda

Nilson Homes representative, Mark Staples reported receiving an emailed message from a Plain City staff member, earlier that afternoon, suggesting agenda item 8-e would not be considered at this Planning Commission Meeting. The message alluded to the elimination of the PRUD ordinance by the City Council at their previous meeting, as reasoning for removal of the agenda item. He asserted, he possesses documentation of application submittal, fee payment, and presentation of other required materials, realized prior to the action taken by the City Council to delete the PRUD ordinance. He requested a fair hearing on the application. He indicated, the process has been forwarded by the developer, in good faith. He sought the Planning Commission's position on the status of the Nilson Homes PRUD application.

Commissioner Maw observed, the matter has not been removed from the agenda and will be discussed in the order it is scheduled.

5. Approval of Work Meeting and Regular Meeting Minutes for July 12, 2018

Commissioner Sparks identified a typographical error on page 3. Commissioner Carrigan noted, he was present, yet labeled “Excused”.

Motion: Commissioner Carrigan motioned to approve Work Meeting and Regular Meeting Minutes of July 12, 2018 with requested correction. Commissioner Faulkner seconded the motion. Vote: Commissioners Sparks, Maw, Carrigan and Faulkner voted aye. Motion carried.

6. Technical Review Report

No report was given.

7. Legislative Items:

a. General Plan Presentation

City Planner, Derek Moss thanked the Planning Commission for their help with the General Plan. He voiced appreciation for input and participation by those attending the Public Hearing. He commented graciously on contributions by the Mayor and City Council, the General Plan Advisory Committee, and the public that participated in the planning workshops. He gave a brief overview of elements included in the General Plan. He indicated, a General Plan is mandated by Utah municipal code. He spoke to the monetary costs for developing a General Plan. He stated, the General Plan is applied to every land use concern, handled within the city. He contrasted city code function and General Plan purposes. He acknowledged, citizen involvement was very important in the process of the update. He commented on the establishment and role of the Advisory Committee. On a large video display, he introduced community surveys that were conducted and published as part of the draft. He explained the findings of each survey. He displayed goals, objectives, and actions. He marked elements that have been significantly changed from the previous version of the General Plan and those that were carried over without alteration. He described a Future Land Use Map, associated with the General Plan, that will be produced. He displayed a draft of the Future Land Use Map, explaining, there are adjustments that will be reflected in the next printout. He spoke of the establishment of a minimum lot size for the majority of anticipated residential development in Plain City. He commented on areas designated for parks and trails. He mentioned commercial development planning. He noted, a draft of the General Plan is available for public review, online.

b. Public Hearing: General Plan

Motion: Commissioner Faulkner motioned to open Public Hearing on the General Plan. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Maw, Carrigan and Faulkner voted aye. Motion carried.

Carl Miller voiced concern over proposed commercial development locations. He made reference to historical, commercial enterprises in Plain City. He suggested, commercial development is an important funding vehicle for City niceties and infrastructure. He commented on personal benefits of prospective commercial undertakings, for land owners, looking to sell their property. He advised planning for more commercial zones, before

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finalizing the General Plan.

Ronald Goers recognized the arduous work that goes into creating a General Plan. He expressed appreciation to those who have participated in the endeavor. He spoke positively of the Planning Commission's willingness to listen to residents and consider opinions from outside the usual planning and development circles. He commented on tax increases, notwithstanding higher density development.

Susan Goers repeated sentiments of gratitude for efforts in forming the General Plan. She spoke of personal involvement in broadcasting information and concern regarding city development. She questioned the accuracy of research, cited as a source for General Plan consideration, noting, the quantity of participants does not provide adequate representation of Plain City population. She defined the data that was gathered as, "statistically inaccurate".

Commissioner Carrigan motioned to close Public Hearing: General Plan. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Maw, Carrigan and Faulkner voted aye. Motion carried.

c. Discussion / Motion: General Plan

Commissioner Sparks stated satisfaction with the updated draft of the General Plan. She expressed disappointment in public turnout at the General Plan workshops. She commented on advertising of the workshops and gave personal account of notifying her neighbors and associates. She conveyed appreciation to the citizens in attendance. Derek Moss noted, an online survey had not been made available. He voiced his opinion that public participation in workshop activities was very good. He indicated, attendance at public workshops in more populous communities has been lower than the turnout at the Plain City General Plan Public Workshop. He addressed the statistical significance of research presented in the General Plan, emphasizing, no claim of representative equivalence is made, concerning the studies. Additional citizen representation through City Council and the Planning Commission is expected in the draft review process. Commissioner Maw evoked Commission concerns over density, as work on the General Plan progressed. He made mention of public input on density issues and how their concerns were carried through Planning Commission involvement in drafting changes to the General Plan. Commissioner Carrigan echoed gratitude for contributors to the General Plan update. He commented on adjustments and concessions made, throughout the process. He proudly acknowledged, the draft is ready for City Council adoption. Commissioner Faulkner repeated worries over public survey statistics, referred to in the General Plan. She stated overall contentment with the process and draft, presented by Derek. She applauded the concept of incorporating a minimum lot size for the majority of future, residential development. She reported Advisory Committee recommendations. She recognized Derek Moss for a job well done. She spoke to speculated commercial development and property tax increases. Commissioner Maw indicated, this is the second General Plan update he has worked on, for Plain City. He compared participating in charrette projects with collaborative efforts in General Plan design. He told of his family's seven-generation history in Plain City. He expressed fulfillment in providing something of benefit to his home town.

Commissioner Faulkner motioned to recommend City Council action to adopt the General Plan. Commissioner Carrigan seconded the motion. Vote: Commissioners Sparks, Maw, Carrigan and Faulkner voted aye. Motion carried.

8. Administrative Items:

a. Discussion / Motion: Preliminary Wade Estates Subdivision

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Commissioner Maw explained, Wade Estates Subdivision petitioner, Don Wade requested deferment from Planning Commission Discussion / Motion, until further notice.

Commissioner Sparks motioned to table Discussion / Motion: Preliminary Wade Estates Subdivision, pending notice. Commissioner Faulkner seconded the motion. Vote: Commissioners Sparks, Maw, Carrigan and Faulkner voted aye. Motion carried

b. Discussion / Motion: Final Wade Estates Subdivision

Commissioner Carrigan motioned to table Discussion / Motion: Final Wade Estates Subdivision, pending notice. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Maw, Carrigan and Faulkner voted aye. Motion carried.

c. Discussion / Motion: Final River Crossing Phase 2

River Crossing developer, Jeff Hales explained modifications that have been made to the original design of this phase of River Crossing. He divulged, the project was started by another developer, in 2005 – taken over by his company in 2014. The original Developers Agreement has been followed in preparations for restarting the process. He reminded the Commission that the preliminary subdivision was previously approved. Commissioner Sparks asked if open space, depicted in the plan is marsh. Jeff Hales answered in the affirmative. He further clarified, the open space in question can be defined as marsh and drainage. He noted, it does include upland. He indicated, formerly proposed building lots have been moved from the area, to create a larger expanse of open space. He referenced open space criteria, written into the Developers Agreement. Commissioner Maw asked if the land is considered “sensitive land”. Derek Moss answered in the affirmative, defining the region as “wetland”. Jeff Hales proposed maintaining the natural condition of the open space. Derek Moss commented on planned trails through the area. Jeff Hales explained, allowance for planned trails has been incorporated in the final subdivision plat. Commissioner Maw queried about a common mailbox location. Jeff Hales indicated, mailboxes are in place in Phase 1. Commissioner Faulkner sought clarification on a note, calling out half-acre lots. Jeff Hales indicated, the note is intended to draw attention to larger lots, proposed in the preliminary subdivision plan, that have been moved from Phase 2 to Phase 3. He spoke to the variation in lot sizes throughout the development. Commissioner Carrigan noted, he was on City Council when River Crossing was introduced.

Commissioner Faulkner motioned to approve Final River Crossing Phase 2. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Maw, Carrigan and Faulkner voted aye. Motion carried.

d. Discussion / Motion: Nilson Homes/Pappys Homeplace PRUD

Mark Staples reviewed an emailed notice that implied the Nilson Homes/Pappys Homeplace PRUD matter would not be considered at this Planning Commission Meeting. He restated Nilson Homes’ respectful request to move the proposed PRUD forward, as proper application was made, prior to deletion of the PRUD ordinance from Plain City code. He revisited steps that have been completed in the process. He voiced optimism in obtaining a Conditional Use Permit, and continuing the process. Commissioner Maw asked if the emailed notice was from City Attorney, Brandon Richards. Mark Staples answered in the negative, indicating, the correspondence was from City Engineer, Shane McFarland. He indicated, Nilson Homes recognizes the change made to Plain City zoning ordinance, but maintains that application was completed per previous directives and should be allowed to progress under the code that was in place at that time. He sought guidance from the Commission. Commissioner Maw read correspondence from City Attorney to City Staff (sent July 26, 2018), concerning the

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matter. “The City's position is that the zone no longer exists and that the planning commission cannot approve the conditional use permit application for a PRUD conditional use permit.” Derek Moss outlined the sequence of events that culminated in receipt of the legal direction. He clarified, approval of a Conditional Use Permit for a zone that no longer exists, is impossible. Mark Staples recalled past discussions with City Staff about prerogatives tied to appropriate application made under code that is changed during the course of approval. He stated, indications were made that completed applications would be processed under ordinance, current at the time of submittal. He told of efforts toward finalizing project plans, continued with the understanding that established regulations would be upheld, though modifications were pending. He proposed the item be tabled, so options can be identified and discussed. He contrasted working together, in good faith with settling the matter through legal processes, suggested in the emailed notification from Shane McFarland. Derek Moss saw no issue with tabling the item, pending deliberation of possible actions. Commissioner Carrigan commented on discarded PRUD amendments, devised by the Planning Commission through many hours of discussion. He voiced disapproval of City Council’s decision to eliminate the PRUD ordinance, forcing reconsideration of land use set forth in particular regions of the General Plan, including the proposed location of the Nilson Homes/Pappys Homeplace development.

Commissioner Faulkner motioned to table Discussion / Motion: Nilson Homes/Pappys Homeplace PRUD. Commissioner Carrigan seconded the motion. Vote: Commissioners Sparks, Maw, Carrigan and Faulkner voted aye. Motion carried.

e. **Discussion / Motion: Preliminary Sunflower Subdivision**

Developer, Steve Diamond referred to comments on the project, provided by the City Engineer. He acknowledged reviewing the comments with project engineers, indicating, suggested amendments will be made. He identified actions requested and recommendations supplied by the City Engineer. Commissioner Faulkner pointed out Bona Vista Water District’s labeling of two lots as “Commercial”. She sought clarification. It was determined, the lots are seen as POTENTIAL commercial lots, by Bona Vista. Steve Diamond stated, the lots in question are zoned for residential use and will not be rezoned.

Commissioner Sparks motioned to approve the Preliminary Sunflower Subdivision with adjustments identified by the City Engineer. Commissioner Faulkner seconded the motion. Vote: Commissioners Sparks, Maw, Carrigan and Faulkner voted aye. Motion carried.

9. Report from City Council:

Commissioners Faulkner and Maw reported on Josh Maw’s Eagle Scout Project presentation – the placing of a flagpole at Town Square. Commissioner Faulkner spoke of an accepted petition for annexation for the Christensen Property. She reported discussion on sewer system upgrades and testing. She remarked on action taken to remove the PRUD ordinance. She reported discussion on gifts for volunteers and directors of the 4th of July Celebration. She commented on a request to purchase a UTV for the Parks and Recreation Department, which was approved. She reported discussion on reducing the speed limit on a stretch of 1500 North Street. She mentioned a proposal made for installation of push-button, flashing light signs at a pedestrian crosswalk, located at 1975 North Street and 3825 West Street. The proposal was tabled, pending examination of funding options.

10. Commission Comments:

None presented.

11. Adjournment

Motion: Commissioner Carrigan made motion to adjourn at 8:00 p.m.

Commissioner Faulkner seconded the motion. Vote: Commissioners Sparks, Maw Carrigan and Faulkner voted aye. Motion Carried.

2018

<u>Neil</u>	<u>Carrigan</u>	<u>Faulkner</u>	<u>Maw</u>	<u>Sparks</u>	<u>Leonardi</u>
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Planning Commission Chair

Planning Commission Secretary

