

Plain City Planning Commission  
Minutes of Meeting  
December 13, 2018

Minutes of the Plain City Planning Commission Meeting held on December 13, 2018 at 7:00 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:    Mike Kerswell, Dan Schuler, Derek Moss

**Attendees:** Rebecca Cannon, Jaxson McDonald, Mark Staples, Maren Dykster, Shane Rice, Monica Hanks, Jeff Hales, Celli Matue, Sheri Stimpson Barahona, Buddy Sadler, Paul Mackley, Bryan Weiss

**Welcome:** Chairman Neil

**Pledge of Allegiance:** Mike Kerswell

**Moment of Silence / Invocation:** Commissioner Sparks

**1. Roll Call:** Chairman Neil conducted roll call and indicated, Commissioners Sparks, Maw, Leonardi, 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:**

Commissioner Leonardi reported speaking with Bryan Weiss after the past City Council Meeting. Mr. Weiss had attended the meeting, thinking it was the Planning Commission Meeting, at which his subdivision amendment is on the agenda to be discussed. Confusion over meeting dates was resolved.

**4. Public Comments for items not on the Agenda:**

Rebecca Cannon spoke about zoning concerns. She specifically addressed speculation of the opening of an assisted living facility in the Sunflower subdivision. She clarified, her apprehension is not about the assisted living institution, but other establishments that may be permitted because of zoning allowances. She asked that the Commission carefully consider future incursion of objectionable enterprises that may ensue if zoning in the area is amended.

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Monica Hanks voiced approval of having an assisted living facility in Plain City. She echoed the opinion that changing existing zoning to accommodate the speculated facility will open the area to emergence of rehab centers and half-way houses. She encouraged thorough study of technicalities, by the Commission, before considering zoning amendment requests.

**5. Approval of Meeting Minutes for October 25, 2018 and November 8, 2018**

**Motion: Commissioner Maw motioned to Approve the Meeting Minutes for October 25, 2018. Commissioner Leonardi seconded the motion. Vote: Commissioners Sparks, Maw, Leonardi, Carrigan, and Chairman Neil voted aye. Motion carried.**

Commissioner Sparks indicated, reference to “Pappys Homeplace”, in minutes for November 8, 2018, should be changed to “Wasatch Ridge”, as naming of the project has been amended on recently submitted, preliminary documents and drawings. She proposed that the Thanksgiving holiday be written, as basis for canceling the Planning Commission Meeting of November 22.

**Motion: Commissioner Carrigan motioned to Approve the Meeting Minutes for November 8, 2018, with changes as discussed. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Maw, Leonardi, Carrigan, and Chairman Neil voted aye. Motion carried.**

**6. Technical Review Report**

Commissioner Leonardi reported on amendments proposed for the Big Cottonwood Estates subdivision – specifically, of property owned by George Cook. He indicated, a re-zone of a portion of property that is currently zoned commercial will be requested, in order to develop residential lots. He noted, City Engineer, Shane McFarland will draft the proposed layout and obtain will-serve letters from the utilities. He suggested, the amendment will be similar to a lot line adjustment and will only effect property that is owned by Mr. Cook. The project will be presented to the Planning Commission at their January 10th meeting.

**7. Legislative Items:**

**a. Discussion / Motion: RE-18.5 Zone**

City Planner, Derek Moss summarized the introduction of a new zone. He referred to consistency with the General Plan as reason for the formation of an RE-18.5 zone. He noted standards in-common with the RE-15 zone. He specified, minimum lot size in areas zoned RE-18.5 is 18,500 square feet. Chairman Neil commented on confusion caused by an 18,500 square foot minimum lot size arrangement in the General Plan.

**Motion: Commissioner Leonardi motioned to recommend City Council approval of the RE-18.5 Zone, as written. Commissioner Maw seconded the motion. Vote: Commissioners Sparks, Maw, Leonardi, Carrigan, and Chairman Neil voted aye. Motion carried.**

**b. Discussion / Motion: RE-30 Zone**

Derek Moss explained, the RE-30 Zone has been written in support of General Plan conditions. A land use category was created, with a minimum lot size of 30,000 square feet. He commented on zone standards that match up with RE-40 zone standards. He specified, minimum lot size in areas zoned RE-30 is 30,000 square feet.

**Motion: Commissioner Maw motioned to recommend City Council approval of the RE-30 Zone. Commissioner Leonardi seconded the motion. Vote: Commissioners Sparks, Maw, Leonardi, Carrigan, and Chairman Neil voted aye. Motion carried.**

**c. Discussion / Motion: Mixed-Use Overlay Zone**

Chairman Neil commented on previous Commission review of the ordinance. He mentioned revisions that have been made. He asked for input on the newly drafted version of the Mixed-Use Overlay Zone. Commissioner Leonardi suggested adding the word “approved” to content related to trails and open space, where “recommended” is inserted. He pointed out, the word “should” remains in text on page seven (10-20-5), after replacing “should” with “shall” was discussed and agreed upon. Derek Moss indicated, he will change the word “should” to “shall” in the final draft. Commissioner Sparks questioned how compliance with Overlay stipulations will be enforced. She commented on inspection and other means of code administration. Derek Moss explained, granting of the Overlay and Site Plan approval are means by which the Planning Commission can monitor compliance with standards. He described how the Overlay may be applied to existing structures. Commissioner Sparks commented on parks and other open space provisions for dwellings in commercial zones. Derek Moss affirmed, residential units in commercial zones, under the Mixed-Use Overlay, will be held to minimum lot size requirements. He reviewed associated site development standards in the ordinance. Commissioner Sparks questioned if distinctions noted in line “C” on page 1, are necessary. Derek Moss explained reasoning behind the stipulations in line “C”.

**Motion: Commissioner Leonardi motioned to recommend City Council Approval of the Mixed-Use Overlay Zone with amendments as discussed. Commissioner Carrigan seconded the motion. Vote: Commissioners Sparks, Maw, Leonardi, Carrigan, and Chairman Neil voted aye. Motion carried.**

**d. Discussion / Motion: Parking Ordinance**

Derek Moss reported progress made over several months in updating the Plain City Parking Ordinance. He commented on valuable input provided by Public Works Director, Dan Schuler. He spoke about flexibility in the ordinance for regular manipulation of parking regulations without rewriting the code. Commissioner Maw listed tactics for marking “no parking: areas. Dan Schuler commented on problems that are caused by excessive parking restrictions in residential areas. Commissioner Leonardi pointed out a typographical error on page 2 – omission of “k” in the work “parked”. Commissioner Carrigan noted incongruity in restrictions on recreational vehicles, namely unattached trailers. Derek Moss agreed to modify text to provide reasonable time adaptations for temporary curbside parking of loaded, unattached trailers. Commissioner Maw commented on curbside parking of trailers loaded with construction equipment. Commissioner Sparks imparted personal experience with driveway egress impediment caused by extended curbside parking of a trailer. Commissioner Faulkner clarified, using criteria written in the Parking Ordinance, the City can apply parking restrictions as needed. Derek Moss asserted, existing parking statutes that are part of development agreements will remain in place.

**Motion: Commissioner Carrigan motioned to recommend City Council Approval of the Parking Ordinance. Commissioner Leonardi seconded the motion. Vote: Commissioners Sparks, Maw, Leonardi, Carrigan, and Chairman Neil voted aye. Motion carried.**

e. **Discussion / Motion: 12/27/2018 Regular Planning Commission Meeting Cancellation**

**Motion: Commissioner Leonardi motioned to Cancel 12/27/2018 Regular Planning Commission Meeting. Commissioner Maw seconded the motion. Vote: Commissioners Sparks, Maw, Leonardi, Carrigan, and Chairman Neil voted aye. Motion carried.**

**8. Administrative Items:**

a. **Discussion / Motion: Site Plan – Dr. Mackley Dentist Office at Kelly’s Corner**

Dr. Paul Mackley apologized for missing previous meetings at which specifics of his project were scheduled to be discussed. He described operations of Intermountain Dental Associates and conveyed his history in the dental industry and as a business owner. He stated the scope of services that will be available through the proposed office at Kelly’s Corner. He requested approval of the presented Site Plan. He commented on perceived Commission apprehension over a planned digital monument sign. Chairman Neil reviewed acknowledgements made with approval of Kent’s Marketplace and the Kelly’s Corner commercial development, to reconcile public concerns. Commissioner Faulkner spoke of lighting concerns, voiced by residents. Dr. Mackley gave reason for installing a separate monument sign and weighed alternative means of advertising. Derek Moss proposed moving the planned sign to the parking lot side of the business. Dr. Mackley agreed to make sign location adjustments on the Site Plan. Chairman Neil reported Commission disapproval of a public entrance on the east side of the building. He commented on parking limitations along 3600 West Street. Dr. Mackley explained, the building is intended to hold two separate practices, noting, independent entrances are justifiable. Commissioner Maw commented on building code exit requirements. He prescribed placement of markers, indicating “no parking” on 3600 West Street, and straightforward access to the east side door from the parking lot. Dr. Mackley asked for clarification of parking provisions, shared among tenants of Kelly’s Corner. Commissioner Maw described Kelly’s Corner parking arrangements and indicated, pedestrian access to the east door is allowable. He notified Dr. Mackley, updated architectural drawings will be required for a building permit. Commissioner Faulkner emphasized the importance of enforcement of parking restrictions on 3600 West Street with continued commercial development in the area. Commissioner Leonardi commented on safety concerns with pedestrian access to the east side entrance. He mentioned accessibility (ADA) requirements.

**Motion: Commissioner Maw motioned to Approve the Site Plan for Dr. Mackley’s Dental Office at Kelly’s Corner, contingent on verified building code compliance and relocation of a planned monument sign to the west side of the building. Commissioner Carrigan seconded the motion. Vote: Commissioners Sparks, Maw, Leonardi, Carrigan, and Chairman Neil voted aye. Motion carried.**

b. **Discussion / Motion: Subdivision Amendment – L. Hoffman, 3520 W 2600 N**

Maren Dykster described the proposed subdivision amendment. She affirmed cooperation of owners of affected property and provided affidavits, signed by involved parties. Commissioner Maw commented on fence and shed locations.

**Motion: Commissioner Leonardi motioned to Approve the Subdivision Amendment – L. Hoffman, 3520 W 2600 N. Commissioner Maw seconded the motion. Vote: Commissioners Sparks, Maw, Leonardi, Carrigan, and Chairman Neil voted aye. Motion carried.**

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c. **Discussion / Motion: Subdivision Amendment – S-Curve Phase 3**

Bryan Weiss illustrated the proposed subdivision amendments. He indicated that owners of the three involved properties are in agreement with the proposed changes. Chairman Neil noted, the matter has been discussed in multiple Technical Review meetings. Shane McFarland explained, each property owner will sign the amended plat, prior to recording.

**Motion: Commissioner Carrigan motioned to Approve the Subdivision Amendment – S-Curve Phase 3, Lots 77, 78, and 79. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Maw, Leonardi, Carrigan, and Chairman Neil voted aye. Motion carried.**

d. **Discussion / Motion: Final – Sunset Meadows Subdivision (Phase 1), Nilson Homes**

Nilson Homes representative, Mark Staples requested Commission recommendation for City Council approval of Sunset Meadows subdivision, Phase 1. He described utilities and turnaround provisions that have been planned under direction of the City Engineer. He referred to an aptly signed Letter of Understanding, previously distributed to Planning Commissioners. He stated intent that the letter be recorded with the plat (concurrently). Chairman Neil reported complications with a recent attempt by land owner, Penny Barnes, to record the letter; including expected presentation of the original, signed document. Mark Staples agreed to prepare the letter for recording and deliver it to Penny Barnes and to the City. He indicated, Nilson Homes has been working with Weber County on resolving access conditions. Commissioner Faulkner commented on requisite information regarding common mailbox location and access. She sought clarification on Weber County concessions for subdivision access. Commissioner Carrigan referred to a letter, written by County officials, indicating that County land needed for access will be sold to the developer as subdivision plans are approved. Mark Staples further explained, after acquiring the land, road improvements will be provided by Nilson Homes. He commented on future right of way alignment. Commissioner Leonardi verified that waste water drainage has been remedied in Phase 1. Mark Staples remarked on retention plan coordination with Shane McFarland. Chairman Neil suggested, the subdivision be recommended for approval, contingent on recording of the signed Letter of Understanding. Shane McFarland commented on processes required for confirmation that utility service will be provided to the subdivision.

**Motion: Commissioner Maw motioned to recommend City Council approval of the proposed Final Sunset Meadows Subdivision (Phase 1), contingent upon recording of the Letter of Understanding. Commissioner Leonardi seconded the motion. Vote: Commissioners Sparks, Maw, Leonardi, Carrigan, and Chairman Neil voted aye. Motion carried.**

e. **Discussion: Wasatch Ridge Subdivision (3000 North Plain City Rd.) – Nilson Homes**

Mark Staples evoked previous discussions about development of the property. He reexamined City Council eradication of the PRUD ordinance, while Nilson Homes' application for the provision was being processed. He commented on action taken by Nilson Homes to circumnavigate the tangled situation, including intercession through the State Ombudsman. He reported meeting with the Mayor, City Attorney, and City Council and Planning Commission representatives to discuss alternative concepts for the project. He listed concerns that have been addressed. He commented on measures taken to conform to General Plan conditions and regard input provided in the aforementioned meeting. He presented a preliminary plan for the area. He described reasonable compromises offered with the new sketch. He requested Commission feedback on the design. He asserted, the project will follow an agreement and overlay rather than PRUD regulations, as the PRUD no longer exists in Plain City Code. Shane McFarland remarked on current zoning of the land and the impact that removal of the PRUD while Nilson Homes' application was being processed has had on development plans and procedures. Derek Moss reviewed density provisions in existing overlay policy, noting, proposed lot sizes do not



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conform to RE-15 zoning (smaller than 15,000 square feet) but are larger than allowed by overlay standards. He mentioned return of some open space in the development to the City. Chairman Neil assessed the use of impact fees from the development to improve City parks and trails therein. Commissioner Leonardi commented on precedence that may be set with compromises made. Derek Moss stated, these arrangements are only being considered because Plain City ordinance changed after the application process had begun for this venture. He reviewed legal concerns that have emerged through negotiating this matter. Commissioner Leonardi affirmed his commitment to code stipulations that permit the alteration/elimination of an ordinance, prior to final approval of a pending application. Derek Moss reiterated, the City Council is charged with ultimate approval or denial of the proposed subdivision. Feedback from Planning Commission is being sought as part of the design process. Commissioner Faulkner questioned if the time frame of finalizing an overlay for the project has been factored into the arrangement and if development of open space is considered negotiable. Mark Staples voiced opinion that the PRUD application has been appropriately submitted and should be recognized as valid. He revisited density concerns and listed revisions that have been made to address the point. Chairman Neil clarified, the revised plan has been drafted per matters discussed in two meetings with the Mayor, City Attorney, Nilson Homes representatives, representation from City Council, and Planning Commission representatives. Commissioner Leonardi asserted, improvement of open space is the responsibility of the developer, not tax payers. Commissioner Sparks objected to the renaming of the development, citing confusion and potential procedural violation. She pointed out deficient roadway access shown on the concept plan. Commissioner Carrigan made clear, Nilson Homes is looking for Commission input on three items, before proceeding with their proposal. Commissioner Maw proposed that a part of the project be assigned to the Senior Housing Overlay. He expressed disapproval of lots smaller than quarter-acre. Commissioner Leonardi commented on perceived excessive width of a proposed access road. He stated disapproval of requested concession regarding code directive on garage width. He described proposed open space as either too small for Plain City to maintain or not usable as a park. Commissioner Carrigan indicated, if open space is improved by the developer, the proposal is acceptable. He stated preference that the intersecting access road be equal in width to the existing Plain City road. Chairman Neil summarized discussion held in separate meetings on open space development and re-designation. He echoed preference that proposed access roads match existing. Commissioner Faulkner commented on open space divided by roads through the development. She expressed accord with Commissioner Leonardi's disapproval of requested concession regarding code directive on garage width. She stated, residents should not bear the burden of open space improvement through impact fees.

**9. Report from City Council:**

Commissioner Leonardi reported City Council rejection of the proposed Agriculture and Residential Zoning Text Amendments. He mentioned the approval of the Panunzio Rezone Ordinance – approx. 1975 N 3900 W – RE-20 to RE-15. He reported progress on the Lee Olsen restroom facility project. He commented on review and approval of the 2018 City Budget. He explained Personnel Policy changes related to comp time and overtime paid hours. He reported approval of the purchase of new snow plow components for a Public Works vehicle. He noted cancellation of the December 20<sup>th</sup> City Council Meeting.

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**10. Commission Comments:**

Commissioner Faulkner proposed review of permitted use provisions for assisted living facilities in residential zones. Commissioner Maw indicated, there are State laws that regulate enterprises such as halfway houses and homeless shelters, specifically within a certain distance from schools and other vulnerable institutions. He commented on City funding for UDAT commitment. Commissioner Carrigan yielded comment. Commissioner Leonardi had no further comment. Commissioner Sparks expressed annoyance with implications by Nilson Homes representatives that State authorities (Ombudsman) are involved and supportive of their legal stance. She stated expectation that supporting documents be provided if the claim is to be considered accurate. Chairman Neil explained the role of a State Ombudsman and indicated, both sides of the matter will necessarily be heard before an Ombudsman can conduct official arbitration. He asked to be excused from the January 10<sup>th</sup> Planning Commission Meeting. He wished all a merry Christmas and announced the City Christmas Party, December 14, 2018.

**11. Adjournment**

**Motion: Commissioner Maw made motion to adjourn at 9:09 p.m.**  
**Commissioner Leonardi seconded the motion. Vote: Commissioners Sparks, Maw, Carrigan, Leonardi, and Chairman Neil voted aye. Motion Carried.**

**2019**

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

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Planning Commission Chair

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Planning Commission Secretary

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