

Plain City Planning Commission
Minutes of Meeting
August 8, 2019

Minutes of the Plain City Planning Commission Meeting held on August 8, 2019 at 7:00 p.m. in the Council Chambers of Plain City Hall – 4160 W 2200 N, Plain City, Utah 84404.

Present: Chairman Jarod Maw
Vice Chairman Blake Neil
Commissioner Cheri Sparks
Commissioner Shawna Faulkner
Commissioner Dustin Skeen

Excused: Commissioner Kris Carrigan

Staff: Mike Kerswell, Dan Schuler, Paul Taylor

Attendees: Cody Rhees, Duane Bullock, Joyce Bullock, Jen Davis

Welcome: Chairman Maw

Pledge of Allegiance: Commissioner Neil

Moment of Silence / Invocation: Commissioner Skeen

1. Roll Call: Chairman Maw conducted roll call and indicated; Commissioners Sparks, Faulkner, Neil, Skeen and Chairman Maw were present. Commissioner Carrigan was excused.

2. Opening Statement: Chairman Maw recited 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 presented.

5. Approval of Meeting Minutes for July 25, 2019

Motion: Commissioner Faulkner motioned to Approve the Meeting Minutes for July 25, 2019.

Commissioner Skeen seconded the motion. Vote: Commissioners Sparks, Faulkner, Neil, Skeen and Chairman Maw voted aye. Motion carried.

6. Technical Review Report

Commissioner Neil reported that only one of three applicants attended the August 6th meeting. He explained that a building permit application has been officially submitted for the project being assessed. The applicant wishes to build a pole barn on a vacant lot where he plans to build a dwelling in the future. He owns an adjoining parcel comprising an existing house.

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Commissioner Neil described options that were discussed, for completing the project in an acceptable way.

7. Legislative Items:

Public Hearing: Zoning Amendment, RE-20/A-1 to RE-18.5 Heritage North Subdivision - approximately 4000 W 2800 N

Motion: Commissioner Neil motioned to open Public Hearing: Zoning Amendment, RE-20/A-1 to RE-18.5 Heritage North Subdivision – approximately 4000 W 2800 N. Commissioner Faulkner seconded the motion. Vote: Commissioners Sparks, Faulkner, Neil, Skeen and Chairman Maw voted aye. Motion carried.

Project Developer, Cody Rhees described the location of the proposed rezone. He acknowledged that he has entered into a contract for purchase of the land. He outlined the purpose of the requested zoning amendment.

Duane Bullock stated that he lives next door to the property affected by the proposed rezone. He commented on a subdivision entry/exit point. He requested that consideration be given to standing irrigation ditch access. He made mention of a drainage ditch on the east side of the property and asked about maintenance accountability. He suggested that a privacy fence be installed, to limit exposure of cattle ranch conditions to future subdivision residents.

Motion: Commissioner Faulkner motioned to close Public Hearing: Zoning Amendment, RE-20/A-1 to RE-18.5 Heritage North Subdivision – approximately 4000 W 2800 N. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Faulkner, Neil, Skeen and Chairman Maw voted aye. Motion carried.

Discussion / Motion: Zoning Amendment, RE-20/A-1 to RE-18.5 Heritage North Subdivision - approximately 4000 W 2800 N

Cody Rhees divulged; Weber County owns the drainage ditch on the far-east side of the property. He noted that there is a Weber County parcel that divides the ditch from adjacent properties. He conceded that he does not know what entity is charged with maintaining the banks of that ditch. He pointed out that the irrigation ditch on the south end belongs to Plain City Irrigation. He asserted that the irrigation channel will not be disturbed and access will not be impacted by future development. He stated that all traffic will enter from and exit onto 2800 North (North Plain City Road). He commented on fencing requirements. Commissioner Faulkner verified that a presented conceptual of the future subdivision will be adjusted to meet RE-18 zone requirements. Commissioner Neil pointed out a drafting error on a diagram of the parcels to be rezoned. He stated that the proposed zoning amendment is in accordance with General Plan directives.

Motion: Commissioner Skeen motioned to recommend City Council approval of the Zoning Amendment, RE-20/A-1 to RE-18.5 Heritage North Subdivision – approximately 4000 W 2800 N. Commissioner Neil seconded the motion. Vote: Commissioners Sparks, Faulkner, Neil, Skeen and Chairman Maw voted aye. Motion carried.

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Discussion: Cluster Subdivisions

Chairman Maw turned time over to Land Use Specialist, Mike Kerswell, for an overview of drafted amendments to the Cluster Subdivisions ordinance. Mike Kerswell described tables that were added, to illustrate site development standards, as adjusted within Cluster Subdivision specifications. He pointed out sections of the ordinance that were not changed. He reported the addition of clauses to cover design, landscaping and maintenance of common open space. He commented on added, common open space ownership alternatives. Commissioner Faulkner remarked positively on an illustration of Cluster Subdivision transitions. Commissioner Neil suggested the elimination a proviso for private ownership of common open space. Commissioner Skeen evoked previous discussion about ownership of common open space in a Cluster Subdivision, affirming that HOA ownership is the most sensible option. Commissioner Sparks queried how the Cluster Subdivisions ordinance differs from the PRUD ordinance that was recently removed from Plain City Code. Commissioner Neil remarked on newly adopted Residential and Mixed-use Overlay Zones. He agreed that the Cluster Subdivisions ordinance resembles the obsolete PRUD ordinance. Chairman Maw explained how acceptable portions of the PRUD ordinance have been included in the Mixed-use and Residential Overlay Zones. He suggested that the Cluster Subdivisions ordinance gives the Planning Commission and City Council more control throughout the process than was offered by the PRUD ordinance. City Engineer, Paul Taylor emphasized that PRUD conditions allow transfer of authority over roads, utility systems and common open areas to residents (HOA). He indicated that the Cluster Subdivisions ordinance does not confer control of streets and utilities to an HOA. Commissioner Faulkner recommended examining differences between the Cluster Subdivisions ordinance and the Residential and Mixed-use Overlay Zones. Paul Taylor asserted that numerous similarities with the Mixed-use and Residential Overlay Zones are found in the Cluster Subdivisions ordinance. Commissioner Sparks questioned the need for a separate ordinance. She voiced concern over allowing crowded neighborhoods in the rural environment enjoyed by Plain City townfolk. Chairman Maw commented on comparable features in the Senior Overlay Zone. Commissioner Neil expressed opinion that the Cluster Subdivisions ordinance is redundant, considering the availability of several other mechanisms to guide development of medium density communities. Paul Taylor indicated that he will examine redundancies in the Cluster Subdivisions ordinance and report his findings. He confirmed that study of this matter is applicable to SB34 requirements.

8. Report from City Council:

It was noted that the August 1st City Council meeting was cancelled.

9. Commission Comments:

Commissioner Sparks had no further comment. Commissioner Faulkner reported personally investigating the positioning of a house under construction in the Sunflower Estates subdivision. She indicated; though the stipulated 30' rear setback was complied with, the dwelling appeared to be too close to the property line. She submitted that the existing rear setback requirement might be lengthened, to provide more space between homes. Commissioner Neil explained that the front setback requirement has been reduced from 40' to 30' – allowing larger rear yards. Commissioner Skeen yielded. Commissioner Maw reported that an update on the R/UDAT plan for Plain City will be available after their meeting on Monday. Mike Kerswell reported that quarterly reimbursements (2nd quarter) have been calculated and submitted to the City Recorder.

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10. Adjournment

Motion: Commissioner Sparks made motion to adjourn at 7:35 p.m.

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

2019

<u>Neil</u>	<u>Carrigan</u>	<u>Faulkner</u>	<u>Maw</u>	<u>Sparks</u>	<u>Skeen</u>
Jan 3	Jan 17	Feb 7	Feb 21	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	

Planning Commission Chair

Planning Commission Secretary

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Minutes of the Plain City Planning Commission Meeting held on September 12, 2019 at 7:00 p.m. in the Council Chambers of Plain City Hall – 4160 W 2200 N, Plain City, Utah 84404.

Present: Vice Chairman Blake Neil
Commissioner Cheri Sparks
Commissioner Shawna Faulkner
Commissioner Dustin Skeen

Excused: Commissioner Kris Carrigan
Chairman Jarod Maw

Staff: Mike Kerswell, Dan Schuler, Paul Taylor

Attendees: Clark Jenkins, Dallas Nicoll, Jon Beesley, Buddy Sadler, Michael Keever

Welcome: Commissioner Neil

Pledge of Allegiance: Commissioner Sparks

Moment of Silence / Invocation: Commissioner Faulkner

1. Roll Call: Commissioner Neil conducted roll call and indicated; Commissioners Sparks, Faulkner, Neil, Skeen and were present. Commissioner Carrigan and Chairman Maw was excused.

2. Opening Statement: Commissioner Neil read the Opening Statement.

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

Commissioner Carrigan was excused from the meeting but emailed the following notes to Mike Kerswell: “I will be out of town Thursday. Also, I met with my neighbor Mike Keever. He wanted to discuss the plan of him building a shop. He ...met with the city about this (Technical Review). His daughter is getting married Thursday - not to mention, he had a heart attack last week. His plans to build a detached structure on an empty lot, before the home, is against our ordinance. He could combine the 2 lots into one and it would work. My suggestion to him was to come to Planning Commission meeting, in two weeks.” – The preceding was not presented, written or verbally, to the Planning Commission, prior to, or during this meeting.

4. Public Comments for items not on the Agenda:

None was presented.

5. Approval of Meeting Minutes for August 8, 2019

Commissioner Faulkner indicated that the word “complied” was misspelled in Commission Comments.

Motion: Commissioner Sparks motioned to Approve the Meeting Minutes for August 8, 2019, with spelling correction as noted. Commissioner Faulkner seconded the motion. Vote: Commissioners Sparks, Faulkner, Neil and Skeen voted aye. Motion carried.

6. Technical Review Report

Commissioner Neil reported that Planning Commission was not represented at the meeting. He requested that City Engineer, Paul Taylor and Public Works Director, Dan Schuler summarize the Technical Review discussion. Paul Taylor stated that three items were reviewed:

- a. Doug Hunt – Shad Christensen Subdivision Amendment
- b. Brad Barto – Subdivision Concept (Residential Overlay)
- c. Clark Jenkins – Lot line adjustment

He inferred that Doug Hunt will likely delay application for his proposed amendment. He described the layout of Brad Barto's concept. He noted that the preliminary design is in accordance with the General Plan. He briefed the Commission on the lot line adjustment, requested by Clark Jenkins.

7. Legislative Items:

Discussion / Motion: Mixed-Use Overlay Zone – Visionary Homes S-Curve Property.

Visionary Homes representative, Dallas Nicoll specified the location of the seven-acre property. He described the Zoning Amendment (Mixed-Use Overlay) that is being petitioned, indicating that the land is currently zoned C-2. He referred to a printed copy of the proposed project concept, previously distributed to Planning Commissioners, as he explained the layout of two-story townhome structures, comprising 56 dwelling units. He noted that the City Attorney is reviewing the language of the Mixed-Use Overlay Zone ordinance to verify that it allows two-story units, provided they have a common wall and comply with the height restriction. He stated that after reviewing the ordinance, Visionary Homes feels that it clearly it allows the condition. He reported presenting twice at Technical Review and discussing the overall concept with germane members of City staff. He acknowledged that discussion on the project is appropriate, at this time, but action should be proposed, pending the City Attorney's finding. Notwithstanding, he indicated that a direct recommendation for approval during this meeting, would be graciously received. He offered to answer questions. Commissioner Faulkner noted that the height restriction was assigned with intent to preclude two-story dwellings. Dallas Nicoll indicated that the ordinance does not spell out the desired exclusion in language pertaining to units with shared walls. Commissioner Faulkner acknowledged that interpretation of intent should not be required. She added that clarification of the context can be attained through review of minutes from Planning Commission meetings where the matter was discussed, as the ordinance was being drafted. Dallas Nicoll read from the Mixed-Use Overlay Zone ordinance: 10-19-3 (B.) "Detached single-family dwellings and attached dwelling units in commercial zones shall comply with the following standards" - 12 (c.) "Building height maximum: One story maximum except for bonus rooms (no more than 30 percent of all units) and units with shared walls." He expressed certainty that this clause exempts units with shared walls from the "One story maximum" stipulation. Commissioner Faulkner pointed out a 24-foot maximum height regulation that is applicable to all structures in the Overlay. Commissioner Sparks clarified; the

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building height shall be measured from finished grade to the ridge of the roof. Referring to elevation drawings of the proposed townhomes, presented to the Planning Commission, Dallas Nicoll asserted that the 24-foot height restriction has been considered and all proposed units will be in compliance. Commissioner Skeen recommended tabling action on the proposal until an opinion from the City Attorney has been furnished and other items in question have been addressed. Commissioner Neil noted that comments from the City Engineer were not included in the packet for this meeting. Paul Taylor stated that he did not have recently written comments on the project. He reported meeting with former City Planner and composer of the Mixed-Use Overlay Zone ordinance, Derek Moss, to get his input on the proposed application. He deduced that the one-story limitation was written into the code to restrict single family dwellings. And the 24-foot height constraint was incorporated in anticipation of multi-family/attached units and dwelling units built over ground-level commercial spaces. Commissioner Neil pointed out that the entire development, in this case, will consist of attached dwellings - devoid of commercial spaces. Paul Taylor advised that the ordinance does not specify a ratio for commercial to residential allotments, as written, but can be amended to identify one for future applications. Commissioner Sparks expressed reservation because the Zoning Amendment application was not included in the packet for review, prior to the meeting. Commission bylaws require that the application and associated documents and drawings be presented to commissioners for review, the Friday before Planning Commission meeting. She urged tabling the issue. Councilmember Neil sought specific dimensional factors of the area to be covered by the Mixed-Use Overlay. He recommended a review of the minutes from Planning Commission meetings, during which the substance of ordinance was ascertained. Dallas Nicoll agreed to provide the requested information, emphasizing that details on streets and lot layout will be provided with an application for the subdivision. He stated that Plain City ordinances will be strictly observed in final plans for the project. Commissioner Faulkner verified that the development will meet the overall maximum density requirement in the code.

Dallas Nicoll concurred that further consideration of the proposal should be tabled. He stated that he will provide additional information, as requested.

Commissioner Neil expounded on essential data, needed to accurately describe the Overlay area. Paul Taylor reiterated the propriety of suspending action until the City Attorney can issue an opinion on the questioned code reference. He affirmed that utilities, street and lot layout details will be provided with the forthcoming subdivision application.

Motion: Commissioner Skeen motioned to table Discussion / Motion: Mixed-Use Overlay Zone – Visionary Homes S-Curve Property. Commissioner Faulkner seconded the motion.

Vote: Commissioners Sparks, Faulkner, Neil and Skeen voted aye. Motion carried.

Discussion / Motion: Final – Panunzio Estates Phase 1, 4100 W 1975 N

Paul Taylor reviewed discussion and preliminary approval of Phase 1 of the Panunzio Estates Subdivision. He indicated that conditions have been met for Final approval. He noted that he had not seen will-serve letters from the utility companies, but assumed they have been issued. Land Use Specialist, Mike Kerswell confirmed that the letters have been received; a copy of which was included with documents submitted for preliminary approval.

Paul Taylor acknowledged that legal descriptions of the property were checked and are correct. Commissioner Faulkner verified that mailbox locations have been shown on the presented drawings. Commissioner Neil commented on connector road width specifications. He noted that the detention basin for Phase 1 is labeled as “temporary”. Paul Taylor explained that the basin

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will be moved as work on the phase is concluded. Commissioner Skeen referred to later phases of the Panunzio Estates Subdivision and identified advisable wastewater retention locations. Commissioner Sparks asked about plans for intersection controls at 1975 North Street. Paul Taylor reported discourse with Dan Schuler on the subject. He stated that a 4-way stop will adequately handle traffic at this stage. He suggested that a semaphore will likely be installed at the intersection, in the future - 4100 West Street being designated a primary north/south road, per General Plan. Commissioner Neil remarked on the proposed street configuration, pointing out that one end of Phase 1 contains four stubbed roads and the other has a single stubbed access. He questioned the asymmetry of the layout. Paul Taylor inferred that he is not privy to design details and relayed indications from previous discussions with the developer. Commissioner Faulkner stated that developer, Jeff Hales explained that the terminal streets will provide access to future phases. She commented on accessway stipulations for developments larger than 30 lots. Paul Taylor presented a historical (preliminary) illustration of the entire proposed subdivision. He indicated that the supplemental details are not generally pertinent to the current application. Alternative access points and traffic flow models were discussed. Commissioner Neil recommended that street arrangement issues be addressed by the developer, prior to final approval of Phase 1 is granted.

Motion: Commissioner Faulkner motioned to table Discussion / Motion: Final – Paunuzio Estates Phase 1, 4100 W 1975 N. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Faulkner, Neil, and Skeen voted aye. Motion carried.

Discussion / Motion: Ordinance Amendment - Cluster Subdivisions, 11-7-3 through 11-7-5

Commissioner Neil asked Paul Taylor if he had remarks prepared, concerning ordinance redundancy. Paul Taylor indicated that he had not thoroughly examined similarities between the Cluster Subdivisions ordinance and the Residential Overlay Zone. He requested that Mike Kerswell send a copy of the preliminary meeting minutes to him at the same time Planning Commission packets are delivered. Mike Kerswell agreed to send a draft of the minutes to Paul Taylor, prior to meetings.

Motion: Commissioner Sparks motioned to table Discussion / Motion: Ordinance Amendment – Cluster Subdivisions, 11-7-3 through 11-7-5. Commissioner Faulkner seconded the motion. Vote: Commissioners Sparks, Faulkner, Neil, and Skeen voted aye. Motion carried.

8. Administrative Items:

Discussion / Motion: Request by Michael Keever to Build Barn/Garage on Vacant Property, 3507 W 2950 N

Michael Keever, son of Michael Keever (applicant), verbally petitioned the Commission for clearance to build a pole barn on a family-owned, vacant parcel. He explained that his father was unable to attend the meeting because his sister's wedding reception was taking place at the same time. He gave details about the proposed structure and parcel grouping. He noted that plans for a future primary residence, to be built on the vacant parcel, have been prepared. He displayed the drawings for the projected residence. He asserted that the proposed pole barn will look similar to one on an adjacent property. He stated that all setback and easement requirements will be met. Commissioner Sparks verified the location of the proposed pole barn on a presented site plan. Commissioner Faulkner queried if setbacks for the future residence have been considered. Paul Taylor confirmed that setbacks for the home were discussed at Technical Review, as well as

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current use of the vacant property. Councilmember Skeen commented on the configuration of the two lots and the distinct buildable footprints of each lot. Commissioner Neil indicated that horses are being kept on adjacent property, currently.

Motion: Commissioner Faulkner motioned to allow Michael Keever to Build Barn/Garage on Vacant Property, 3507 W 2950 N. Commissioner Skeen seconded the motion. Vote: Commissioners Sparks, Faulkner, Neil, and Skeen voted aye. Motion carried.

Discussion / Motion: Lot Line Adjustment – Clark Jenkins, approx. 4375 W 1975 N
Property owner, Clark Jenkins described existing conditions of the three parcels that will be affected by the proposed Lot Line Adjustment. He noted that he owns all three properties. He made clear the proposed changes. He defined the purpose and intent of the adjustment. He stated that a remainder parcel will be formed. Commissioner Neil pointed out that the submitted application has been marked to show that affected property owners adjoining the lot line DO NOT consent to the lot line adjustment. As owner of all properties involved in the Lot Line Adjustment, Clark Jenkins agreed to correct the application.

Motion: Commissioner Sparks motioned to approve the Lot Line Adjustment – Clark Jenkins, approximately 4375 W 1975 N with correction of original application, as discussed. Commissioner Skeen seconded the motion. Vote: Commissioners Sparks, Faulkner, Neil, and Skeen voted aye. Motion carried.

9. Report from City Council:

Commissioner Faulkner reported citizen input from a Public Hearing, held for the Nilson Homes Residential Overlay Zone. She indicated that the Mayor and Council answered questions clearly and appropriately. There was no vote on the petition, after discussion. She commented on the reapproval of annexation of the Derek Kennedy property. She reported a question and answer session related to an interlocal agreement with Weber County Animal Services, explaining that the matter was tabled. She described proposed amendments to the Stillcreek HOA agreement that were discussed and approved. She indicated that a vote on amendments to the 2020 fiscal year budgets was tabled. She remarked on City Council approval of the Andrea Folkman property zoning amendment, requested by Cody Rhees. She reported that conditional final approval was granted to developers of the Hidden Hollow subdivision. She briefed the Commission on sewer billing issues that were deliberated at the meeting. She relayed a request by the City Council, that the Planning Commission further examine the Mixed-Use Overlay Zone ordinance, to ensure its intent is plainly denoted.

10. Commission Comments:

Commissioner Sparks had no further comment. Commissioner Faulkner yielded. Commissioner Skeen offered no additional remarks. Commissioner Neil had no further comment. Mike Kerswell gave sign-up details for the Utah League of Cities and Towns Annual Convention.

11. Adjournment

Motion: Commissioner Faulkner made motion to adjourn at 8:11 p.m. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Faulkner, Neil and Skeen voted aye. Motion Carried.

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

Planning Commission Secretary