



Plain City Planning Commission  
Minutes of Meeting  
September 12, 2019

and imparted measures that might be taken to bring the project into compliance. He noted that the Building Inspector expressed the same counsel to Mr. Kever. Commissioner Sparks stated that the minutes need to reflect that the interaction was reported to Mike Kerswell, but was not relayed to the other planning commissioners as was Commissioner Carrigan's intent.

**Motion: Commissioner Faulkner motioned to Approve the Meeting Minutes for August 22, 2019, with Ex Parte report clarification, as discussed. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Faulkner, Neil and Carrigan voted aye. Motion carried.**

## **6. Technical Review Report**

Chairman Maw reported, via email; there were two residents from the Stoney Brook subdivision (Lots 5 & 6), that want to do a lot line adjustment on their adjacent properties. One neighbor will be getting a sliver of property at the back of their parcel and the front will be adjusted accordingly. The frontage on both properties will not be affected. After review, Public Works Director, Dan Schuler and Chairman Maw agree that the requested lot line adjustment can move forward. The applicant stated intent to contact a civil engineer, to get appropriate drawings prepared.

## **7. Legislative Items:**

### **Discussion / Motion: Residential Overlay Zone – Heritage North (Andrea Folkman Property) approximately 4000 W 2800 N**

Heritage Craft Homes president, Cody Rhees referred to a written proposal that was distributed to commissioners, prior to the meeting. He described the conceptualized development and Overlay conditions. Commissioner Neil stated that a right of way, comprised in the proposed project, is owned by an entity that is not included in the application information. He noted that a parcel number for the access property is not included in the submitted documents. Cody Rhees described the strip of land as a one-rod (16.5 feet) right of way that provides access to two northern parcels. One of the northern parcels is owned by Andrea Folkman Trust, and the other is owned by another entity. He explained; the one-rod right of way is currently the only access to the two back parcels. He stated that he has a one-half interest in the right of way, by deed from 1952. He further identified features of the proposed development that coincide with perceived Residential Overlay Zone directives and intent. He noted that approximately 10.5 acres of the total 15.49-acre plat, will be developed with housing – the remainder will be left for agricultural open space. He calculated the projected, overall density. He read from a letter he wrote to the Planning Commission: "I am submitting the attached application for the proposed Heritage North Subdivision following a plan consistent with Plain City Ordinance 10-20 for a Residential Overlay Zone. I am asking for this overlay zone and a conceptual subdivision approval consistent with the requirements of 10-20-4 for zoning approval, so we can proceed with accurate and conclusive preliminary plat drawings with the recommendations and influences of the planning commission and city council audit bodies." He requested input and approval of the Overlay Zone so that work toward finalizing a subdivision layout can proceed. He commented on distinctions between 10-20-3 (A) and 10-20-3 (B) sections of the ordinance. He indicated that the presented concept meets the standards set forth in 10-20-3 (B). He explained why he considers the open, agricultural segment of the development to be of benefit to Plain City. He pointed out that a small park/pickleball court has been designed into the preliminary plat. Commissioner Carrigan verified that the park/pickleball court would be deeded to the City in the presented scenario. He voiced opinion that the dedicated amenity would be more of a liability to the City than a benefit. He remarked on limited Parks Department personnel and foreseen

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overhead expenses. He recommended that the land being discussed be developed as currently zoned, with a minimum lot area of 18,500 square feet. He made mention of a 5-acre property that was recently held to that standard, when developer, Nilson Homes requested Residential Overlay provisions. He commented on unsatisfactory conditions at existing parks in Plain City, due to an overextended maintenance crew. Commissioner Faulkner commented on reference to General Plan Public Survey Results, notated in Cody Rhees' proposal letter. She explained that the survey was taken at a public workshop that was attended by land owners from other cities and unincorporated Weber County, who were contemplating annexation into Plain City. She inferred that fewer than anticipated Plain City residents were at the meeting. She contended that the results, included in the General Plan, are incorrectly skewed and do not reflect the view of citizens. She asserted that she does not hear residents of Plain City calling for development of smaller lots. She weighed repeating the survey. She sought clarification on claims that shorter lot frontages will reduce road maintenance attributes. Cody Rhees ascertained that shorter roadways are attainable when lot frontages are condensed. He stated that, long-term, shorter roadways equate to less maintenance expense for a city. He indicated that an HOA can be established, shifting street maintenance responsibilities to home owners. He remarked on low-impact development considerations, including curb and gutter alternatives and stormwater detention areas. He mentioned market trends. Commissioner Carrigan maintained that a majority of prospective homebuyers he has heard from recently, are seeking larger lots. Cody Rhees related personal experience with a downturn of interest in large lots. Commissioner Faulkner indicated that locations designated for 18,500 square-foot lots (max.) on the Future Land Use Map, were thoughtfully planned and should be developed to the RE-18.5 standard. Commissioner Sparks referred to a 5-acre parcel that the Heritage North concept labels "Agricultural Open Space". She noted that there is a terminal road shown, ending at a parcel, north, that is not part of the proposed development. Cody Rhees indicated that that stubbed road is intended to provide access to the aforementioned parcel, owner by Pegasus Investment Holdings. Commissioner Neil reported that the previously discussed, one-rod (16.5 feet) right of way is located at the edge of this stubbed road. Cody Rhees described how the owner of Pegasus Investment Holdings indicated that the right of way is not an ideal access to the property, north, proposing that it be incorporated into future buildable lots and that a terminal roadway be provided to the boundary of his land. Commissioner Neil conveyed that the U S Post Office has given notice; deliveries to the community mailbox with a vehicle turnout arrangement, in the area of Brook Haven subdivision, is to be discontinued. He further reported that the Post Office has notified residents that they will not deliver in cul-de-sacs. Cody Rhees commented on adaptations, by the Post Office, to conditions of a growing population. He listed difficulties with vehicle turnout areas. He outlined possible common mailbox configurations for Heritage North. Commissioner Sparks asked if will-serve letters from utility companies have been received. Cody Rhees answered in the negative. He affirmed that he will provide them with application for the subdivision, after zoning matters are settled. He verified that the project has been through Technical Review for the Residential Overlay Zone application. Commissioner Neil asserted that the 5-acre parcel, allotted for open space, does not benefit future subdivision residents nor Plain City, generally. He noted that the proposed open space abuts land on which Cody Rhees' home is to be built and that there is a right of way easement, providing access between the properties. The parcel labeled "Agricultural Open Space" will only be accessible through a right of way on Cody Rhees' lot. Cody Rhees indicated that the piece can be dedicated to the City and developed with amenities in exchange for higher density in the 10.5 acres that is intended for housing. Commissioner Neil recalled attempts to create smaller lots in the Brook Haven subdivision, when it was in conceptual stages. He pointed out that the current zoning map shows the one-rod strip of land between Brook Haven subdivision and the proposed Heritage North subdivision is classified A-1. He advised that documentation be submitted to corroborating agreement with Pegasus Investment

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Holdings, on access provisions. Cody Rhees indicated that the right of way is recorded under the same tax ID number as the attached Pegasus Investment Holding's property, thus should be zoned the same (residential). He acknowledged that all necessary paperwork will be supplied with application for preliminary subdivision plat. Chairman Maw requested commissioner input on the application. Commissioner Sparks indicated that, while the petition for the Residential Overlay Zone is appropriate, historical rejection of higher density in the area gives cause for continued preservation of larger lots there. She voiced her opinion that open space provided to offset density allowances should be located within the perimeter of the development.

Commissioner Neil stated that he voted to deny a Senior Overlay when Brook Haven was presented, observing appeals from the community. He presumed that opinions have not markedly changed, regarding density, among those residing near the proposed project. Commissioner Faulkner stated that open space provided to offset density allowances within an Overlay Zone should be permanently kept as open space. Commissioner Carrigan reiterated that the property labeled "Agricultural Open Space" will only be accessible through a right of way on Cody Rhees' lot. Cody Rhees acknowledged that the proposed open space will be privately owned and maintained, per Residential Overlay Zone proviso. He reasoned that it would be a great benefit to Plain City. Chairman Maw disagreed with the assessment. City Engineer, Paul Taylor asked how the land offered for open space will be accessed, privately, when the one-rod right of way is merged with the buildable lots. Cody Rhees indicated that he, as the owner of the open area, has about 600 feet of access to it. It adjoins his lot. Paul Taylor advised that the City would need a legal access to the property to maintain it as a separate parcel in case ownership of either piece should change in the future. Cody Rhees suggested that the 16'-6" right of way can remain, if needed. Chairman Maw revisited Paul Taylor's written recommendation that this request for the Residential Overlay Zone be denied. Paul Taylor examined two ways the application might be revised to garner his commendation:

- a. Providing public amenities, as per Plain City Code; Chapter 20, 10-20-3 (A)
- b. Putting a restriction on the open space, to ensure it will remain undeveloped, always.

**Motion: Commissioner Carrigan motioned to recommend that City Council deny the Residential Overlay Zone – Heritage North (Andrea Folkman Property) approximately 4000 W 2800 N. Commissioner Faulkner seconded the motion.**

**Vote: Commissioners Sparks, Faulkner, Neil, Carrigan and Chairman Maw voted aye. Motion carried.**

Cody Rhees asked Commissioners for direction on revisions that can be made, to better meet the intent of the Residential Overlay Zone. He asked if the recommendation for denial was based on ordinance compliance or on unappealing design factors. Commissioner Sparks cited future unknowns related to the 5-acre open space as basis for her vote. She suggested the land be developed without using the Residential Overlay – minimum 18,500 square-foot lots, as stipulated by current zoning standards. Commissioner Faulkner recommended that the property be developed according to existing zoning regulations. She indicated that the Residential Overlay Zone is meant for areas where it can be sensibly applied. She maintained that the location of the proposed project is not an appropriate place for Overlay conditions. She instructed; one purpose for the Residential Overlay Zone is to offer a variety of lot sizes within a development.

Commissioner Neil concurred that the location of the proposed development is not correct for application of the Residential Overlay Zone. He expressed concern over the outlying agricultural area and questioned its benefit to Plain City. Chairman Maw suggested that the Residential Overlay Zone can be workable in the location, but regarded the planned open space as practically inaccessible and of no benefit to the City. He echoed the significance of mixing large and small lots to satisfy Overlay purpose and intent. Commissioner Carrigan voiced disapproval of the park/pickleball court. He remarked negatively on the 5-acre parcel that is intended to

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offset higher density in the development. He asserted that Cody Rhees would be the sole beneficiary of that privately accessed parcel, situated behind his home. He recommended that the recently re-zoned property be developed to RE-18.5 zoning specifications. Cody Rhees acknowledged the advantages of providing a community with varying lot sizes. Paul Taylor commented on the need for a Parks and Trails Master Plan. Commissioner Neil recalled past efforts to create and maintain a Parks and Trails Master Plan. Paul Taylor indicated that the project, as proposed, does not meet the purpose and intent of the Residential Overlay Zone. He listed conceptual elements that are in compliance with the ordinance. He advocated measures to permanently establish the open space as agricultural. He remarked on the awkwardness of planned open space positioning, but noted that the configuration is not prohibited in the code. He mentioned an existing barn on the property and described its possible impact on access.

**Discussion / Motion: Ordinance Amendment – Residential Overlay Zone**

Paul Taylor reported discussing the Residential Overlay Zone with former City Planner, Derek Moss, generally, and specifically as it relates to the Heritage North subdivision. He noted that Chapter 20, 10-20-3 (B) stipulates a minimum lot area but does not provide an average lot size parameter. He suggested the addition of an average lot size condition (larger than the stipulated minimum lot size per zoning) will compel integration of bigger lots in a development under the Residential Overlay. He affirmed that Derek Moss recommended the addition of a minimum average lot size constraint to the ordinance. Chairman Maw opened discourse on minimum frontage regulations, under the Residential Overlay Zone. He reviewed zoning stipulations for site frontage and reduction allowances provided in with the Overlay. Paul Taylor commented on difficulty in fitting a typical buildable footprint on lots with less than 68 feet of street frontage. Evoking that 60-foot frontages are allowed in minimum development standards for the Residential Overlay Zone, he proposed increasing the factor to at least 68 feet. Commissioner Faulkner agreed with the proposition. Chairman Maw stated preference for a minimum 75-foot frontage requirement. Commissioner Neil submitted; an 80-foot frontage is appropriate. Commissioner Sparks advised that reference to open space in Residential Overlay Zone contexts, should be expressly required to be located within the contiguous boundary of the subdivision. She suggested that elements deemed beneficial to citizens (the City) be spelled out in the code. Paul Taylor instructed that the minimum average lot size requirement shall be placed in Chapter 20, 10-20-3 (B), sub. 2 (b) – after “Minimum lot area” and ahead of “Minimum yard setbacks”. He proposed varying the minimum average lot size according to the zoning of the land subject to the Overlay. Chairman Maw reviewed the Residential Overlay Zone height restriction. Commissioner Faulkner indicated that minimum average lot size requirements must not conflict with maximum density conditions. Paul Taylor noted that a stipulating minimum average lot size, along with keeping maximum density terms, can eliminate open space, within a subdivision. He proposed placing guidelines for open space uses, if the option is to remain in Chapter 20, 10-20-3 (B). Commissioner Carrigan considered leaving open space use, in a Residential Overlay Zone, subject to Planning Commission discretion. Chairman Maw commented on the obligation to uphold ordinance designations. Paul Taylor made mention of “purpose and intent” observance. He spoke of legalities associated with denial of an application, based on aspects other than code provisions. Commissioner Faulkner suggested that the minimum average lot area requirement should be somewhat less than the maximum lot size allowed by zoning. Paul Taylor referred to a 15-acre minimum public park/open space area, outlined in the General Plan, instructing that minimum average lot size requirements, maximum density conditions, and maximum lot size allowed by zoning must balance to ensure open space is not left over. He agreed to calculate

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aligning figures for adjustable parameters. Commissioner Sparks listed reasons that variation of lot sizes in a subdivision is an appealing feature. Commissioner Carrigan explained that specifying a minimum subdivision size for Residential Overlay Zone eligibility (Chapter 20, 10-20-3 B), would prevent dedication of undesirably small public areas within a project. Chairman Maw expressed accord with Commissioner Carrigan's advisement. He reviewed similar conditions presented in the Mixed-Use Overlay Zone ordinance. He requested that changes to the Residential Overlay Zone ordinance be drafted and the matter be revisited at the next Planning Commission meeting.

**Motion: No action was taken.**

**8. Report from City Council:**

Chairman Maw reported that concern was expressed over the collector road which runs through the Wasatch Ridge/ Papageorge Estates development. According to the Master Plan, the road shall be 80 feet wide. This will be a discussion item when it comes in for preliminary site review. The Council did approve the Residential Overlay Zone for this development, contingent upon the 80-foot collector road and also that the King Property is not included in this application. He reported discussion on an Animal Control Interlocal Agreement and noted that it was approved. He listed items proposed for Capital Projects, including a multi-use recreation center, purchasing land for a linear park, and upgrades to City Hall. Action on City Hall upgrades was tabled until more information is presented. A request for flashing lights at 1500 N & 4700 W was ratified (The lights are already installed). He noted that a Public Hearing on sewer billing changes, was set for September 19, during City Council meeting. He remarked on a scheduled work meeting -September 19 @ 6:30 to discuss the amendments. He reported that wording of the resolution on Senior Center rental policy will be revised to exempt Hunter Safety Classes and similar groups from paying the regular fee. He indicated that the Council asked about the Mixed-Use Overlay, specifically proposing consideration of terms regulating percentage of commercial and residential use in this Overlay. The City Council wanted to make sure the Planning Commission addresses perceived frontage deficiencies in Residential Overlay Zone standards. He reported Youth Council's upcoming projects and commended their activity and positive influence in the community.

**9. Commission Comments:**

Commissioner Sparks indicated that flashing lights are needed at a crosswalk on 2600 North Street, across from Kent's Market. She noted that there aren't streetlights in the area of the crosswalk. She commented on pedestrian safety instruction that is not being provided to children nor heeded by many adults. She posed the question: Is it necessary for Plain City to have a Residential Overlay Zone? She commented on intended advances toward affordable housing mandates, provided an ordinance for Accessory Dwellings –regarded unacceptable by City Council. Commissioner Faulkner asked for a status report on placement of temporary barricades at the end of 2200 North Street. Dan Schuler indicated that installation of the barriers is the responsibility of the Nilson Homes, who is developing land where the road terminates. She reported pedestrian safety concerns, related to traffic flow through the open access. Agreement compliance enforcement was discussed. Commissioner Faulkner voiced aversion to a fluctuating speed limit on 2200 North Street. She stated that the speed limit on 2200 North Street should be 25 mph, over its full stretch. She questioned the purpose of a radar speed limit sign located on the way out of town. She proposed that the sign be moved into a city-central location, to encourage safer driving in Plain City. She thanked Dan Schuler for Ogden Raptors game tickets

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that he provided to Plain City staff and officials. Commissioner Neil reported that a resident that owns property abutting the recently approved Cody Rhees building lot (F. Maw subdivision), tore down an old barn with intent to build a new accessory structure with upper floor living quarters. He asserted; the property owners claimed they received a go-ahead from city staff, providing the owner of the primary dwelling is a relative of those living in the accessory building. Mike Kerswell questioned the claim, as requests for information of this nature are typically directed to him, and he would not have offered this counsel. He reported parking ordinance violations (parking over the sidewalk) on a corner lot, leading into the Brook Haven subdivision. He brought up pedestrian safety concerns. He reiterated that the one-rod right of way, connected to the previously discussed Heritage North development, is not owned by Cody Rhees. He further stated that rights to alter the boundaries of the access are held by its rightful owner. He noted; that the piece of land was not included on the application for the Overlay. He suggested that “property discrepancies” be annotated in the Commission’s recommendation to City Council for denial of the Residential Overlay Zone. Commissioner Carrigan had no further comment. Chairman Maw announced a Wasatch Choice Implementation Workshop, co-hosted by Wasatch Front Regional Council, Utah League of Cities and Towns, Utah Department of Transportation, and Utah Transit Authority, scheduled on September 25, 2019, from 4:00 - 6:00 p.m. at the Pleasant View City Hall. He invited commissioners to attend and asked Mike Kerswell to forward registration information.

**10. Adjournment**

**Motion: Commissioner Carrigan made motion to adjourn at 9:22 p.m.**  
**Commissioner Neil seconded the motion. Vote: Commissioners Sparks, Faulkner, Neil, Carrigan 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	

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Planning Commission Chair

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Planning Commission Secretary

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September 26, 2019

Minutes of the Plain City Planning Commission Meeting held on September 26, 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 Kris Carrigan  
Commissioner Dustin Skeen

Staff: Mike Kerswell, Dan Schuler, Paul Taylor

**Attendees:** Buddy Sadler

**Welcome:** Chairman Maw

**Pledge of Allegiance:** Commissioner Carrigan

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

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

**2. Opening Statement:** Chairman Maw waived reading of the Opening Statement.

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

Commissioner Neil suspended his report of Ex Parte Communication until the Commission Comments segment of the meeting. Commissioner Skeen reported that Cody Rhee had contacted him, prior to last Planning Commission meeting, seeking an opinion on the proposed Heritage North subdivision and intent to establish the land as a Residential Overlay Zone. He stated that he instructed him to present his proposal at Planning Commission meeting, cautioning that the concept did not appear appropriate for the Residential Overlay Zone. Commissioner Carrigan notified that Jake Rhee contacted him about plans to develop commercial property based on the Mixed-Use Overlay Zone. He suggested that Jake schedule the project for discussion at Planning Commission meeting. Chairman Maw reported that Jake Rhee contacted him as well, regarding the Mixed-Use proposal. He noted that an early concept has been examined at Technical Review. He reported that Utah Division of State History representative, Sarah Curry, contacted him to procure Plain City historical information. He referred her to plaincityutah.org and to the Plain City General Plan. He explained that the Division is doing a state-wide study and will impart localized findings upon completion. He added that the Division might offer recommendations for preservation of, and/or appropriate alterations to historic landmarks. He mentioned plans for creation of a historic region in central Plain City.

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

None presented.

**5. Approval of Meeting Minutes for September 12, 2019**

**Motion: Commissioner Faulkner motioned to Approve the Meeting Minutes for September 12, 2019. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Faulkner, Neil Carrigan and Chairman Maw voted aye. Motion carried.**

**6. Technical Review Report**

Chairman Maw reported that Jake Rhees presented a concept for a development made up of duplex and triplex units, to be built on commercial land in central Plain City. The Mixed-Use Overlay Zone was recommended as a more workable solution in that location. He described a bid for a road and utility connection waiver or future disconnect allowance, presented by Austin Platt, on land slated for subdividing. Plans for the speculated subdivision were checked for code compliance. Commissioner Neil commented on examination of this proposal at Technical Reviews in the past. Chairman Maw affirmed that frontage issues and emergency vehicle access were deliberated in the meeting. City Engineer, Paul Taylor acknowledged that an accurate survey of the parcels was ordered and reviewed, after the Technical Review.

**7. Report from City Council**

Commissioner Sparks reported information from a Public Hearing for proposed changes to the billing structure for City sewer service. She noted that the Council had questions about the Residential Overlay Zone and the Mixed-Use Overlay Zone. She indicated that the consensus among councilmembers was that additional controls need to be affixed to both ordinances. She made mention of restrictions written into the Senior Overlay Zone. She relayed a proposition to limit use of the Residential Overlay Zone to areas with particular hardships and/or special circumstances. Chairman Maw commented on location restrictions for an Overlay Zone and Planning Commission discretionary capacities. Paul Taylor described a critical test of suitable Overlay application: It must meet the “purpose and intent”, written in the ordinance. Councilmember Carrigan remarked on inappropriate discrimination resulting from restricting use of an Overlay in certain cases. Paul Taylor noted differences in Overlay Zone and Zone ordinances. He indicated that common zoning amendment requests can be denied, regardless of Future Land Use Map specifications or current zoning conditions. He stated that constraints must be directly specified in text of an Overlay in order to provide restrictive controls, beyond what is stated in its “purpose and intent”. Commissioner Carrigan weighed a less rigid directive, allowing for greater Planning Commission and City Council discretion. Commissioner Sparks voiced concern over unballasted requests for the Residential Overlay Zone. She advised that the intended use of the Overlay must be comprehended and meeting it must be the primary objective of an applicant. Commissioner Carrigan suggested; when considering “hardship” conditions for ideal placement of an Overlay, examples be provided, instead of specifying circumstances. Chairman Maw theorized that the “purpose and intent” of both the Residential Overlay and Mixed-Use Overlay ordinance is general by design, allowing the Commission to decide if an application supports aspired principles. Commissioner Faulkner referred to the Visionary Homes application for the Mixed-Use Overlay Zone and asserted that vagueness of “purpose and intent” represented an opening for applicant interpretation. Paul Taylor maintained that “purpose and intent” is well defined, as written, when viewed in the context of the full ordinance.

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Commissioner Skeen reviewed Planning Commission Action and City Council Action terms of both Overlays (10-19-6, 10-19-7, 10-20-6, 10-20-7). Commissioner Neil indicated that State law prohibits denial of an application for an Overlay if the ordinance requirements are met. Chairman Maw commented on the Commission's recommendation for denial of the Residential Overlay Zone for Heritage North. He inferred that "purpose and intent" provisions were clearly not applied in the concept. Commissioner Neil noted that a claim of ownership of an essential right of way was dubious as well. Commissioner Sparks questioned the need for the Residential Overlay Zone ordinance in Plain City code. Commissioner Skeen stated his opinion that very few locations are suitable for the Overlay. Chairman Maw read from the Senior Housing Overlay Zone ordinance -

10-7-1: PURPOSE AND INTENT:

A. Purpose:

1. The Senior Housing Overlay (SHO) Zone is established for senior housing residential development within a limited area of the City. It is expressly provided that the SHO Zone is not intended to be utilized for all residential development within the City. The SHO Zone shall only be permitted for property approved by the Planning Commission and City Council.

Commissioner Faulkner recommended attempting to spell out examples of hardships and special circumstances under which the Residential Overlay Zone may be applied. Chairman Maw suggested coordination with the City Attorney, in adding such depictions to the code. Commissioner Neil reported that hardship is an element considered by the Board of Adjustments when deciding on petitions for variance. Commissioner Sparks emphasized that financial bearing cannot constitute a hardship for variance resolutions. She contended that purchasers of land are aware of unfavorable conditions when a sales contract is signed and concessions should be conferred in pricing of the property, not expected thereafter, in the form of density allowances provided by City code. Commissioner Skeen posed a scenario in which developers would necessarily work out issues with incumbrances before purchasing land to develop, if the Residential Overlay Zone was not an option. City Councilman, Buddy Sadler referred to Public Survey Results found in the General Plan, indicating that "More Trails and Bike Paths" was a leading answer to the question, "What would make Plain City better for you and your family?". He explained how the Residential Overlay Zone promotes formation of pedestrian pathways. He noted that a trail system has been planned (Parks and Trails Master Plan) for the powerline corridor and that the recently approved Residential Overlay Zone at Wasatch Ridge subdivision will support that concept. He further explained that trails will be constructed by the developer, at their expense, and dedicated to the City because of provisions in the ordinance. He described a north/south roadway, to provide adequate connections to 1500 N, North Plain City Road, and 4000 N, set forth in the General Plan. He inferred that an Overlay can be offered to exchange density for hardships related to additional land needed for collectors. He spoke of possibly replacing the Overlay with a new zone. He commented on City Council land use authority in considering common zoning amendments. He echoed Paul Taylor's observation that common zoning amendment requests can be denied, regardless of Future Land Use Map specifications or current zoning conditions.

**8. Legislative Items:**

**Discussion / Motion: Ordinance Amendment – Residential Overlay Zone**

Chairman Maw reviewed preliminary changes that were made to the Residential Overlay Zone ordinance, as recommended at the previous Planning Commission meeting. Commissioner Neil suggested that side yard setback constraints be adjusted, seeing that the minimum frontage requirement was increased from 60 feet to 80 feet. Currently, the side yard setback requirement for an interior lot (under Overlay) is minimum 8 feet, with combined side yard setbacks of 18

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feet. The standard for residential lots, not affected by overlay reductions, is 10 feet with total width of 2 side yards not less than 24 feet. Commissioner Sparks questioned the practicality of a front setback stipulation of 20 feet, under Residential Overlay provisions. She proposed that the requirement be increased to 25 feet, minimum. It was noted that currently, the front setback requirement for lots outside of this Overlay is minimum 30 feet. Commissioner Neil asked Land Use Specialist, Mike Kerswell for an explanation of formulas used to calculate minimum average lot size, added to the ordinance. Mike Kerswell indicated that the figures came from the gross maximum density, increased per Residential Overlay Zone allowance. He noted that the same calculations were evidently part of establishing existing code stipulations - the proposed minimum average lot size cannot be changed without making adjustments to approved gross maximum density factors. Consensus that the side setback requirement should be changed to a minimum of 10 feet, each side, was reached. Commissioner Neil read from 10-20-5:

“In considering the proposed Residential Overlay Zone, the Planning Commission and City Council shall consider:” He submitted that “Property Discrepancies” be added under subsection “E.”. He recounted past issues with boundary and ownership conflicts, associated with applications for zoning amendments and subdivisions. Chairman Maw considered naming examples of “Property Discrepancies” in the code. Commissioner Carrigan affirmed that contested ownership and property lines ordinarily prevent approval of applications for zoning amendments and subdivisions. Commissioner Skeen contemplated the insertion of language, mandating that open space in a Residential Overlay Zone be accessible to the public.

Commissioner Sparks advised that the ordinance include a clause, stipulating open space in a Residential Overlay Zone be found within the perimeter of the development. Chairman Maw proposed that verbiage be added to restrict use of the Overlay to areas containing or adjacent to designated trail locations, as set forth in the Parks and Trails Master Plan.

**Motion: Commissioner Carrigan made motion to table Discussion / Motion: Ordinance Amendment – Residential Overlay Zone. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Faulkner, Neil, Carrigan and Chairman Maw voted aye. Motion Carried.**

**9. Commission Comments:**

Commissioner Sparks yielded. Commissioner Faulkner made clear that application for the Residential Overlay Zone, as currently written, can be submitted while amendments are under advisement. She urged haste in completing updates to the ordinance. Commissioner Neil reviewed an invitation to the Utah Land Use Institute 2019 Conference. He asked Mike Kerswell if commissioners are to register themselves or if the City will sign them up. He noted that there is a discount for multiple enrolments. Mike Kerswell agreed to register those wanting to attend. Commissioner Neil reported inquisitive chatter about undertakings around the F. Maw subdivision. He indicated; word on the street is that the Cody Rhees property is a Plain City-approved Flag Lot. Commissioner Carrigan had no further comment. Commissioner Skeen deferred. Chairman Maw relayed instruction received at a North Weber County Implementation Workshop. He reported that he requested a presentation by the hosts, at an upcoming Plain City Planning Commission meeting.

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**10. Adjournment**

**Motion: Commissioner Carrigan made motion to adjourn at 8:26 p.m.**  
**Commissioner Faulkner seconded the motion. Vote: Commissioners Sparks, Faulkner, Neil, Carrigan and Chairman Maw voted aye. Motion Carried.**

**2019**

Neil	Carrigan	Faulkner	Maw	Sparks	Skeen
Jan 3	Jan 17	Feb 7	Feb 21	Mar 7	Mar 21
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Planning Commission Chair

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Planning Commission Secretary