



August 07, 2024

To Whom It May Concern:

RE: Freedom Estates Subdivision – 1550 North 4560 West

I am writing to request an extension of the recording of the final plat for the Freedom Estates subdivision. Due to the change in the housing market, we have delayed the development of the subdivision. We are watching the market and the demand for lots in Plain City and will start the development within the next six months.

Please advise if this is something that can be granted.

Respectfully,

Jan Checketts
801-668-8956
jan@cksrvs.com

NOTICE OF DECISION

Plain City, Weber County, Utah

On July 27, _____, 20 23, the Plain City Planning Commission recommends
[] Approval, [] *Approval with condition(s), [] Disapproval, [] Tabled
of an application for Freedom Estates approximately 1500 N 4560 W _____,

received from (Applicant): Jan Checketts _____

This Notice of Decision formally concludes the Planning Commission’s involvement with the application for the above-mentioned land use case. Copies of the Order are available at City Hall.

Applications that have been deemed complete and have not been pursued with reasonable diligence before the appropriate board shall expire after six (6) months. The applicant will have to submit a new application and fees to restart the process, subject to all new zoning restrictions and subdivision regulations then in existence. Any party of record may appeal this decision to the City Council within 10 days of the Order approval date.

City Official

*Condition(s)/Notes:

Commissioner Jenkins motioned to recommend giving Freedom Estates at approximately 1500 N 4560 W an extension for one year. Commissioner Maw seconded the motion. Vote: Commissioners Ortega, Skeen, Maw, Jenkins and Chairman Faulkner voted aye. Motion carried.

2. Final Approval By Planning Commission: The Planning Commission shall take action on the final plat after the applicant has satisfied the preliminary plat approval conditions. The City Engineer will provide a recommendation prior to being placed on the Planning Commission agenda. The Planning Commission shall recommend to the City Council the approval, conditional approval or disapproval of the final plat within thirty (30) days after the date the plat is submitted to the Planning Commission. The commission shall set forth in detail any conditions to which the recommendation is made or reason for its recommendation. The subdivision plat shall then be forwarded to the City Council for their approval. Requests to extend final approvals shall be conducted at six (6) month intervals for a total of eighteen (18) months.

E. The developer shall have a period of six (6) months to conduct a pre- construction meeting with City staff and start construction of the infrastructure within the development. If such work has not been completed the developer must file a request to extend the time for installation of improvements.

Technical Review Committee Application

Name: Jake Finlinson

Mailing Address: 17 E Winchester St #102, Murray, Utah, 84107

Phone #: 801-264-8800

Email: jfinlinson@perrycommercial.net

Property Owner: L H Perry Investments LLC

Parcel Number(s): 190360003 & 190360024

Affected Property Address: Approximately 3182 W 2600 N Plain City

Please indicate land use action requesting:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Subdivision | <input type="checkbox"/> Subdivision Amendment |
| <input type="checkbox"/> Minor Subdivision (two lots) | <input type="checkbox"/> Annexation |
| <input checked="" type="checkbox"/> Site Plan (new development) | <input type="checkbox"/> Residential Overlay |
| <input type="checkbox"/> Lot Line Adjustment | <input checked="" type="checkbox"/> Mixed Use Overlay |
| <input type="checkbox"/> Parcel Consolidation | |
| <input checked="" type="checkbox"/> Other: Please explain: <u>Potential General Plan Amendment, Potential Rezone</u> | |

Please complete the attached TRC checklist, include a brief written explanation of what you are wanting to accomplish AND provide an 8½ x 11 drawing/sketch of proposed action.
(This will be scanned and emailed to committee prior to the meeting)

Once all information is turned in and fee is paid, the applicant will be scheduled for a Technical Review Committee meeting, at the discretion of the Public Works Director and/or the City Engineer.

Technical Review Committee meetings are held at 9 am on the 1st and 3rd Tuesdays of each month. If no business is scheduled by the Friday before, the meeting will be cancelled.

Signature:  Date: 07/29/2024

Office Use Only
Technical Review Fee: 250.00 Date Paid: 7-29-24

Notes:

Checklist for TRC Intake

Current Zoning C-2 Future Land Use (General Plan) Commercial

The following information may be addressed at the TRC meeting. For a more effective meeting, please compile any available data related to the following points and remit with the Technical Review Committee Application.

- Concept Sketch
- Written Explanation of Concept
- Current Survey of Existing Conditions
- Right-of-Way Ownership
- Open Space Design (if required)
- Grading and Drainage
- Utility Connection Availability
- Phase Plan (if required)
- Stormwater Pollution Prevention Plan





Proposal for Mixed-Use Development at approximately 3182 W 2600 N Plain City

Members of the Technical Review Committee,

We are pleased to present our proposed development plan, which strategically combines retail drive-thrus along the main road with dense two-story townhomes in the rear. Our approach is informed by comprehensive input from regional retail brokers and thorough market analysis, indicating that there is not enough demand to support a full 15 acres of commercial and retail development on this site, particularly due to the new shopping center at 3600 W and 2600 N.

Development Plan Overview:

1. Retail Drive-Thrus:

- **Location:** On the frontage of 2600 N.
- **Objective:** To provide convenient retail options that cater to both adjacent residents and community.
- **Economic Benefit:** These retail drive-thrus are designed to stimulate local economic activity and create job opportunities.

2. Dense Townhome Community:

- **Location:** In the north portion of the parcels.
- **Objective:** To fit the highest and best use of the land that supports the retail establishments and contributes to the housing needs of the community.
- **Community Integration:** The townhomes are designed to provide a lower price point compared to newer larger residences. Offer modern, attractive living spaces.

Rationale and Benefits:

- **Optimized Land Use:** By allocating 5 acres to retail/commercial use and using the remaining area for residential development, we ensure that the land is utilized efficiently and meets the actual market demand. Any additional commercial use is not economically feasible.
- **Support for Retail Users:** The townhome community will provide a built-in customer base for the retail establishments, providing sustained economic viability.
- **Enhanced Community Livability:** The introduction of new housing options aligns with the Plain City Housing Implementation Plan and General Plan.
- **Economic and Social Impact:** This mixed-use approach will foster a dynamic environment that supports both economic growth and community well-being.

We believe this proposal offers a thoughtful, market-responsive solution that benefits the city, its residents, and the local economy. We are excited about the opportunity to contribute to the city's development and are committed to the success of this project.

A couple of questions that would be helpful to address during our meeting:

- Sewer and a few other utilities are to the west of our site. Is there a plan in place to extend that line? Or would we be the 1st to bring that line?
- Other availability of Utilities.
- Confirmation that 2600 N is a UDOT road.
- Best plan forward – We believe it is to rezone, but is it possible under the mixed-use overlay?
- Water Shares – 49 Class A Shares Available

Sincerely,

Jake Finlinson
VP of Development
Perry Commercial

CHAPTER 20

RESIDENTIAL OVERLAY ZONE WITH PUBLIC AMENITIES

SECTION:

10-20-1: Purpose And Intent

10-20-2: Use Regulations

10-20-3: General Regulations

10-20-4: Submission Of Conditional Rezone Application

10-20-5: Technical Review Committee, Planning Commission And City Council Consideration

10-20-6: Technical Review Committee

10-20-7: Planning Commission Action

10-20-8: City Council Action

10-20-1: PURPOSE AND INTENT:

The Residential Overlay Zone with Public Amenities is established to provide for and encourage better planned and more desirable residential developments that provide various lot sizes and public amenities, including the preservation of open space and the development of parks, trails, and other open space.

A. It is expressly provided that the Residential Overlay Zone with Public Amenities is not intended to be utilized for all residential development within the City. The Residential Overlay Zone with Public Amenities shall only be permitted for property approved by the City Council.

B. It is established to promote development of pathways (multi-purpose routes accessible to pedestrians, bicyclists and equestrians) and as such, will solely be considered for areas comprising or adjacent to existing or proposed pathway corridors, set forth in the Plain City Parks, Trails, and Open Space Master Plan. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019; amd. Ord. 2019-12, 11-21-2019; Ord. 2021-09, 6-3-2021)

10-20-2: USE REGULATIONS:

A. Zones Allowed: Residential uses in the Medium Density Residential (MDR) 1, 2, and 3 areas as indicated on the Future Land Use Map of the General Plan (including only properties that have already been rezoned as RE-18.5, RE-15 and R-1-11) after the review and recommendation by the Planning Commission and review and approval by the City Council.

B. Permitted Housing Types: If the Residential Overlay Zone with Public Amenities is approved: single-family, detached dwelling units may be permitted in MDR 1 and 2 (RE-18.5 and RE-15); single-family, detached dwelling units and two-family, attached (duplex) dwelling units may be permitted in MDR 3 (R-1-11); after the review and recommendation by the Planning Commission and review and approval by the City Council.

1. Lots utilized for the construction of two-family, attached (duplex) dwelling units shall not exceed ten percent (10%) of the total lots in the subdivision.

2. Two-family, attached (duplex) dwelling units shall be constructed on a minimum lot area of one-half (1/2) acre (21,780 square feet). (Ord. 2019-04, 1-17-2019, eff. 1-17-2019; amd. Ord. 2019-12, 11-21-2019; Ord. 2021-09, 6-3-2021)

10-20-3: GENERAL REGULATIONS:

Residential subdivisions with public amenities may be granted the exceptions described herein to site development standards within each zone when the applicant has demonstrated that the subdivision meets the following standards:

A. The subdivision provides an exceptional amenity or amenities (deemed acceptable by the Planning Commission and City Council) that are made available to the public or provides developed open space comprised of thirty three percent (33%) of the proposed development (1:2 ratio of developed open space to housing). Any developed open space shall be dedicated to the City, subject to approval by the City Council, and made available for public use and shall include a park and/or trails that have been identified in the General Plan or other parks and/or trails requested specifically by the Planning Commission or City Council in consultation with the City Parks and Recreation Department. Formations that provide State mandated stormwater detention or retention do not qualify as developed open space unless occupying more than five (5) acres and determined by the Planning Commission to be suitable for multiple uses. In cases of approved multi-use stormwater detention or retention basins, the developer shall (at City's discretion) provide restrooms and parking spaces.

B. In cases of approved multi-use stormwater detention or retention basins:

1. Seventy-five percent (75%) of the approved basin area shall qualify as developed open space.
2. The developer shall (at City's discretion) provide restrooms and parking.

C. The subdivision does not exceed a gross maximum density in the Medium Density Residential (MDR) areas indicated on the Future Land Use Map of the General Plan of:

1. Three (3) units per acre in MDR 1;
2. Four (4) units per acre in MDR 2; and
3. Five (5) units per acre in MDR 3.

Gross maximum density is calculated by taking the number of proposed residential lots and dividing by the total acreage of the development (including roads).

D. The subdivision meets the following overall minimum development standards:

1. Minimum Lot Area: Seven thousand (7,000) square feet.
2. Minimum Yard Setbacks:
 - a. Front: Twenty-five feet (25').
 - b. Side: Total of eighteen feet (18'), minimum eight feet (8') on one side.
 - c. Street Side On Corner Lot: Twenty-five feet (25').
 - d. Rear: Twenty feet (20').
3. Building Height:
 - a. Minimum: One story.
 - b. Maximum: Twenty-eight feet (28') - not more than two (2) stories.
4. Minimum Frontage: Sixty-five feet (65') for single-family dwelling units and one hundred forty feet (140') for duplexes.

E. Separate single-family dwellings and multi-family dwelling units in a Residential Overlay Zone shall comply with the following standard:

1. Garage Doors: Where a garage is placed on the front building facade, the width of the garage door(s) shall not exceed fifty percent (50%) of the total width of the front building facade. All garage doors shall not exceed twelve feet (12') in height. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019; amd. Ord. 2019-12, 11-21-2019; Ord. 2021-09, 6-3-2021)

10-20-4: SUBMISSION OF CONDITIONAL REZONE APPLICATION:

A. Required: A conditional rezone application for a Residential Overlay Zone with Public Amenities shall be submitted to the Technical Review Committee. A concept plan including the following items shall be submitted with the application for the conditional rezone:

1. Proposed layout including streets, lots, and setbacks;
2. Development density, coverage, and open space characteristics including landscaping, fencing, screening, and parking;
3. Proposed location(s) for mailbox(es) in accordance with USPS requirements, shown on the proposed layout;
4. A description of architectural elevations and floor plans demonstrating the general design, character, and exterior building materials of the proposed structures. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019; amd. Ord. 2019-12, 11-21-2019; Ord. 2021-09, 6-3-2021)

10-20-5: TECHNICAL REVIEW COMMITTEE, PLANNING COMMISSION AND CITY COUNCIL CONSIDERATION:

In considering the proposed Residential Overlay Zone, the Technical Review Committee, Planning Commission and City Council shall consider:

A. Design: The design, exterior materials, housing type and quality of buildings and their relationship to the site and their relationship to development beyond the boundaries of the development.

B. Streets, Traffic, Parking: Which streets shall be public and which shall be private, the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.

C. Open Space: The proposed open space as a means of its integration into the City and the neighborhood.

1. All attendant open space, privately or otherwise owned, shall be publicly accessible and contained within the perimeter of the development.

2. Formations that provide State mandated stormwater detention or retention do not qualify as developed open space unless occupying more than five (5) acres and determined by the Planning Commission to be suitable for multiple uses. In cases of approved multi-use stormwater detention or retention basins, the developer shall (at City's discretion) provide restrooms and parking spaces.

D. Density: The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands.

E. Property Discrepancies: Conflicts associated with property characteristics and/or ownership, such as, but not limited to recorded property line inconsistencies, ambiguous or contested ownership, etc. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019;

amd. Ord. 2021-09, 6-3-2021)

10-20-6: TECHNICAL REVIEW COMMITTEE:

The Technical Review Committee shall review the conditional rezone application to be sure the proposed rezone meets certain minimum requirements and that the proposed project is in harmony with the intent of the City's General Plan. Prior to the conditional rezone application going before the Planning Commission, the Technical Review Committee must document that the minimum requirements of the application have been met. (Ord. 2021-09, 6-3-2021)

10-20-7: PLANNING COMMISSION ACTION:

A. The Planning Commission shall hold a public hearing on the proposed Residential Overlay Zone with Public Amenities.

B. The Planning Commission, subject to the requirements of this chapter, shall recommend to approve, modify with conditions, or deny the Residential Overlay Zone with Public Amenities. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019; amd. Ord. 2019-12, 11-21-2019; Ord. 2021-09, 6-3-2021)

10-20-8: CITY COUNCIL ACTION:

A. The City Council may hold a public hearing on the proposed Residential Overlay Zone. The City Council shall approve the conditional rezone application or deny the conditional rezone of the Residential Overlay Zone with Public Amenities. Approval of the conditional rezone application shall include, but shall not be limited to the following conditions:

1. Submission, review and approval of a development agreement between the applicant and the City.
2. Submission, review and approval of a site plan.
3. Submission, review and approval of a final subdivision plat.

Upon approval of the conditional rezone application, an applicant may proceed with the preparation of a detailed development agreement, Site plan and subdivision application per title 11, chapter 3 of this Code. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019; amd. Ord. 2019-12, 11-21-2019; Ord. 2021-09, 6-3-2021)