

Plain City Planning Commission
Minutes of Meeting
April 8, 2021

Minutes of the Plain City Planning Commission Meeting held online April 8, 2021 at 7:00 p.m. – virtually broadcast via ZOOM.

Present: Chairman Blake Neil
Vice-Chair Shawna Faulkner
Commissioner Rob Ortega
Commissioner Blake Jenkins

Excused: Commissioner Jarod Maw
Commissioner Dustin Skeen

Staff: Mike Kerswell, Dan Schuler

Attendees: Tom Favero, Tina Favero, Brad Orton, Charlene Orton, Jory Wahlen, Jim Flint, Shad Christensen, James Farrell, Cody Rhees, Rich Skeen, Adams Family, East Family, Michelle, Shane Skeen

Welcome: Chairman Neil

Pledge of Allegiance: Mike Kerswell

Moment of Silence / Invocation: Chairman Neil

1. Roll Call:

Chairman Neil directed roll call and indicated; Commissioners Faulkner, Jenkins, Ortega and Chairman Neil were present. Commissioners Maw and Skeen were excused.

2. Opening Statement:

Chairman Neil read the Opening Statement.

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

None presented.

4. Public Comments:

None offered.

5. Approval of Meeting Minutes for March 25, 2021

Commissioner Jenkins motioned to approve the Meeting Minutes for March 25, 2021. Commissioner Faulkner seconded the motion. Vote: Commissioners Faulkner, Jenkins, Ortega and Chairman Neil voted aye. Motion carried.

Plain City Planning Commission
Minutes of Meeting
April 8, 2021

6. Technical Review Report

Chairman Neil reported that the property owner, Elaine Winegar and real estate agent, John Hansen, enquired what can be done with sixteen parcels below the bluff. He listed numerous issues that were discussed. He noted that questionable culinary and secondary water provisions to the area were examined during the meeting. He indicated plans for a single-family dwelling on Todd Field's property were reviewed. He spoke of an existing home on the parcel that does not have an official certificate of occupancy. He reported that Rob Checketts wants to divide his three-acre parcel into three lots. He acknowledged that zoning requirements can be met but frontage on one of the proposed lots was inadequate. He indicated that Shad Christensen ask for feedback on his development plans. He noted that traffic flow and phasing concepts were deliberated.

7. Legislative Items:

Set Public Hearing: Zoning Amendment – Orton property, approximately 4400 Pioneer Rd. (RE-20 to RE-18.5 with Residential Overlay Zone)

Land Use Specialist, Mike Kerswell clarified; the Residential Overlay is only applicable to properties that are zoned 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. Commissioner Jenkins confirmed that the Orton parcel is 12,438 square feet in area. Chairman Neil indicated that the lot size conforms with R-1-11 zoning as well as Residential Overlay Zone development standards.

Chairman Faulkner motioned to Set Public Hearing: Zoning Amendment – Orton property for May 13, 2021. Commissioner Ortega seconded the motion. Vote: Commissioners Faulkner, Jenkins, Ortega and Chairman Neil voted aye. Motion carried.

Developer, Cody Rhees stated that the Ortons do not need a zoning change in order to build on this existing lot. He referred to definitions in the Plain City code (10-2-1):

LOT - A parcel of land occupied or to be occupied by a main building or group of buildings (main or accessory), together with such yards, open space, lot width and lot area as are required by this title and having frontage upon a street.

He advised that the Orton's parcel meets the requirements for a legal building lot, in its current state. He commented on spot-zoning implications and pointed to several properties in Plain City that do not comply with established zone standards, yet contain dwellings. Commissioner Ortega proposed involving the City Attorney in deciding if the Ortons need a Zoning Amendment to build a single-family home on their lot. Chairman Neil agreed with Cody Rhees' assessment. He indicated that an application for the Zoning Amendment and associated filing fee have been received. He suggested that the Ortons might withdraw their application after the City Attorney reviews the matter. Property owner, Brad Orton stated that he submitted the application on recommendation from the City Recorder and Land Use Specialist. He expressed willingness to abide by the required process. He explained that he has a sewer connection to the lot in question and is working out water provisions. Commissioner Faulkner recommended that Mr. Orton refrain from withdrawing his application pending further research by the Commission and a finding by the City Attorney. Cody Rhees referred to definitions in the Plain City Code (10-2-1):

FRONT LOT LINE - The property line of the lot toward which the front line of a main building faces or may face, which abuts a public dedicated street, a right of way approved by the board of adjustment, or a street made public by right of use. Usually, this front lot line is established by measuring a distance of thirty-three feet (33') back from the center of the existing pavement, at which point the building inspector would determine the front yard setback requirement.

Commissioner Faulkner commented on reduced set back parameters stipulated by the Residential Overlay Zone ordinance. Cody Rhees indicated that all residential zones require a thirty-foot front setback. He identified exceptions for areas with historically different site development standards. He stated that the rear setback in residential zones is thirty feet. He conveyed side setback requirements.

Plain City Planning Commission
Minutes of Meeting
April 8, 2021

Public Hearing: Zoning Amendment – Cody Johnson, approximately 2779 W 1900 N (RE-20 to RE-15)

Chairman Jenkins motioned to open the Public Hearing: Zoning Amendment – Cody Johnson, approximately 2779 W 1900 N (RE-20 to RE-15). Commissioner Ortega seconded the motion. Vote: Commissioners Faulkner, Jenkins, Ortega and Chairman Neil voted aye. Motion carried.

No public input was offered.

Chairman Faulkner motioned to close the Public Hearing: Zoning Amendment – Cody Johnson, approximately 2779 W 1900 N (RE-20 to RE-15). Commissioner Ortega seconded the motion. Vote: Commissioners Faulkner, Jenkins, Ortega and Chairman Neil voted aye. Motion carried.

Discussion / Motion: Zoning Amendment – Cody Johnson, approximately 2779 W 1900 N (RE-20 to RE-15)

Commissioner Jenkins indicated that he has no qualms with the proposed Zoning Amendment. Commissioner Faulkner remarked on adjacent homes and queried about the size of neighboring lots. Applicant, Cody Johnson described how the affected parcels will be developed with the revised zoning. He noted that there is nearby land that is zoned RE-15.

Commissioner Jenkins motioned to recommend City Council approval of the Zoning Amendment – Cody Johnson, approximately 2779 W 1900 N (RE-20 to RE-15). Commissioner Faulkner seconded the motion. Vote: Commissioners Faulkner, Jenkins, Ortega and Chairman Neil voted aye. Motion carried.

Discussion / Motion: Zoning Amendment – Favero Property, approximately 1295 N 4700 W (A-2 to RE- RE-30)

Commissioner Faulkner verified that a Public Hearing was held for this application. Chairman Neil indicated that this application has been amended to comply with General Plan specifications. Applicant, Tom Favero outlined changes made to the application and made known his intended plans for remaining parcels. He commented on previous concepts for Favero Farms. He echoed Councilmember Sadler's opinion that the General Plan/Future Land Use Map is a guide, by design, that affords relative flexibility to land use decision makers in consideration of varying circumstances. Commissioner Faulkner recognized the adaptable virtues of the Future Land Use Map, advising that there must be good reason for any variation. Tom Favero commented on financial ramifications related to property tax and inheritance tax. Commissioner Jenkins noted that there are six parcels listed on the application for RE-30 zoning. Tom Favero requested that two properties on the application be considered for RE-15 and RE-18.5 zoning. Chairman Neil expressed approval of the arrangement proposed on current application. He proposed a transitional plan for the remaining parcels – from RE-18.5 to RE-15. Tom Favero remarked on overlay potentials for the intermediate lots. Commissioner Jenkins spoke favorably of the intended residential development that will provide various lot sizes and/or public amenities, including the preservation of open space and the development of parks, trails, and other open space. Commissioner Faulkner suggested a new application be submitted specifying parcels to be rezoned to RE-18.5. Tom Favero agreed to submit an amended application for the remaining parcels. Commissioner Faulkner considered how the development can connect to existing and planned parks and trails. She emphasized; an objective of the Residential Overlay Zone is to promote development of pathways and open space, and will solely be considered for areas comprising or adjacent to existing or proposed pathway corridors. She commented on the exchange of open space for granted site development standard exceptions under the Overlay. She indicated that any developed open space will be dedicated to the City, subject to approval by the City Council, and made available for public use.

Commissioner Jenkins motioned to recommend City Council approval of the Zoning Amendment – Favero Property, approximately 1295 N 4700 W (A-2 to RE-30) for Land Serial Numbers 15-027-0029, 15-027-0030, 15-027-0057 and 15-027-0059. Commissioner Ortega seconded the motion. Vote: Commissioners Faulkner, Jenkins, Ortega and Chairman Neil voted aye. Motion carried.

Plain City Planning Commission
Minutes of Meeting
April 8, 2021

Discussion / Motion: Zoning Amendment – Favero Property, approximately 1295 N 4700 W (A-2 to RE- RE-15)

Commissioner Faulkner motioned to table the Zoning Amendment – Favero Property, approximately 1295 N 4700 W (A-2 to RE- RE-15) for Land Serial Numbers 15-017-0034, 15-017-0005, 15-017-0002, 15-017-0035, 15-017-0036, 15-017-0037, 15-017-0038, 15-016-0049, 15-027-0034 and 15-027-0058. Commissioner Jenkins seconded the motion. Vote: Commissioners Faulkner, Ortega, Jenkins and Chairman Neil voted aye. Motion carried.

Discussion / Motion: Preliminary Subdivision – Skeen Subdivision, approx. 2200 N 3600 W

Chairman Neil reported that City Engineer, Brad Jensen has concerns about this project that arose after his initial review. Jory Wahlen, representing the City Engineer, identified a thin strip of property on the west side of the Skeen property that will need to be acquired as part of the 3600 West Street widening project. He assumed that the Acquisition Agent has addressed this with the owners. He reviewed the memorandum on this development, issued by Brad Jensen. Property owner, Rich Skeen mentioned the engineer's comment – number 8. He questioned the claim that the existing drain line was intended to drain a burrow ditch. He said the pipe was approved as part of the stormwater management system for Country Roads subdivision. He recounted that the drain line was intended to serve the north facing lots, along 2200 North Street and was installed by Marriott Construction. He proposed that further investigation be done to verify original drainage plans. Commissioner Faulkner advised that the City Engineer has deemed the existing 12-inch pipe may be inadequate, regardless of historical assessments. Jory Wahlen acknowledged that a minimum 15-inch pipe is the current standard for storm drain lines. Public Works Director, Dan Schuler indicated that it's in the best interest of the City to retain or detain stormwater within the subdivision. He submitted that current standards should not be conceded. Jory Wahlen agreed with Dan Schuler's observations. He noted that the historical design and intent of the 12-inch pipe can be researched for comprehension of outmoded practices, but the City Engineer's demand for replacement will presumably not be waived. Rich Skeen sought verification that the pipe in question is actually undersized. Jory Wahlen indicated that he has not measured it. Dan Schuler informed that the inspected portion of the drain line appears to be 12-inch or smaller. Project Engineer, Jim Flint agreed to reverify the size of the pipe. He explained that the line is buried deep and will perform as well or better than a larger pipe that is placed at a shallower depth. He advised judicious consideration of verifiable calculations before strict compliance with the current sizing chart is demanded. Jory Wahlen concurred that hydraulic calculations can be reviewed and maintenance factors related to the smaller diameter pipe weighed up. Commissioner Jenkins commented on a purported sewer line that was installed to service a property, south of the Skeen parcels. Commissioner Faulkner indicated that the public sewer system does not extend to that property. Property owner, Shane Skeen inferred that the City Engineer's memorandum comprises statements and recommendations for minor adjustments to the plan. He indicated that much of the requested information has been compiled. He enquired about drawing details, essential to preliminary approval of this plat. He pointed out that the overall concept meets zoning regulations. Dan Schuler asked about particulars related to recommended on-site detention/retention provisions. He remarked on low-impact development (LID) standards. Shane Skeen spoke of the constancy of elevation of the land within the subdivision. Jim Flint recognized the challenge of the runoff management. He contemplated installing minor detention/retention ponds on each lot to handle the expected flow. He asked if preliminary approval might be granted, conditional upon the addressing of concerns listed in the memorandum. Rich Skeen commented on items in the City Engineer's memorandum that will be addressed when this application is presented for final approval. Dan Schuler stated that he wants to see amended drawings, prior to preliminary approval. Jory Wahlen stated that stormwater detention/retention arrangements must be settled before the City Engineer can comfortably recommend preliminary approval. Commissioner Faulkner asserted that a response to each item in the engineering comments (for preliminary subdivision approval) should be provided to the Commission before the application is advanced to the next step in the process. Rich Skeen sought clarification about the process. Chairman Neil reviewed subdivision approval progression. He affirmed that

Plain City Planning Commission
Minutes of Meeting
April 8, 2021

the Planning Commission will be attentive to the written recommendations by the City Engineer. Jim Flint referred to improvement plans, submitted with the preliminary plat for the Skeen Subdivision. He suggested that the City Engineer's memorandum is more applicable to elements required for final approval.

Commissioner Faulkner motioned to table Discussion / Motion: Preliminary Subdivision – Skeen Subdivision, approx. 2200 N 3600 W. Commissioner Ortega seconded the motion. Vote: Commissioners Faulkner, Jenkins, Ortega and Chairman Neil voted aye. Motion carried.

Discussion / Motion: Preliminary Subdivision – Plain City Fields, approx. 2200 N 3600 W

Chairman Neil informed that the City Engineer's memorandum on this application reflects many of the issues stated in the Skeen Subdivision Preliminary Review. He noted that preliminary approval was not expressly recommended. Jim Flint informed that improvement plans, submitted with the preliminary plat for the Plain City Fields Subdivision, show important road details. He commented on a road dedication parcel, annotated on the presented plat. Jory Wahlen advised that a thin strip of property on the west side of the road will need to be acquired as part of the 3600 West Street widening project. Dan Schuler indicated that three developments in this area are being designed as a bundle, corresponding with the 3600 West Street widening project. He touched on hazards related to the planned interdependency. He explained that each subdivision cannot be approved as a standalone development unless provisions for stormwater detention/retention are found within the boundary.

Commissioner Jenkins motioned to table Discussion / Motion: Preliminary Subdivision – Plain City Fields, approx. 2200 N 3600 W. Commissioner Ortega seconded the motion. Vote: Commissioners Faulkner, Ortega, Jenkins and Chairman Niel voted aye. Motion carried.

Discussion / Motion: Final Subdivision – Taylor Parks Three, approx. 3850 W 2200 N

Commissioner Jenkins commented on community amenities that this development will provide, including a valuable pedestrian passageway. Cody Rhees indicated that he's excited to provide a safe route for children that walk to Plain City Elementary. Commissioner Ortega remarked on an added northern stub road. Jim Flint asked how the developer is fulfilling LID requirements. Dan Schuler explained that testing provided evidence that LID is not feasible on this piece of land. He informed that an existing detention basin in an adjoining subdivision will be enlarged to handle runoff from Taylor Parks Three.

Commissioner Ortega motioned to recommend City Council approval of the Taylor Parks Three Subdivision. Commissioner Faulkner seconded the motion. Vote: Commissioners Faulkner, Jenkins, Ortega and Chairman Neil voted aye. Motion carried.

8. Report from City Council:

Commissioner Faulkner reported that amending the General Plan was a topic of discussion during the Public Comments section of the meeting. She noted that the RE-20 zone has not been eliminated from Plain City code but is not supported in any density category listed on the Future Land Use Map. She reported that the Favero zoning amendment –A-2 to RE-15 was approved. She indicated that final approval of the Palmer Heritage Subdivision was granted. She reported that a public hearing for amendments to the Residential Overlay Zone was set for May 6, 2021 and the amendment to the Plain City ordinance regarding organization of Planning Commission Officers was approved. She gave details on a resolution that was adopted for a cooperative agreement with UDOT concerning new sidewalk. She reported that the Council donated \$1000 to Communities that Care. She notified that dates and times for the Easter scavenger hunt and relaunch of the Plain City Green Waste Program were announced. She informed that Councilmember Skeen reported that the new restroom and press box facility at Lee Olsen Park (north side) has been erected. She reported that Councilmember Sadler proposed that a clause stating that the City Council “may hold a Public Hearing” be included in the Residential Overlay Zone ordinance (10-20-8).

Plain City Planning Commission
Minutes of Meeting
April 8, 2021

9. Commission Comments:

Commissioner Faulkner had no further comment. Commissioner Jenkins requested information about the sidewalks mentioned in the City Council report. Dan Schuler described the location of the sidewalks which will be paid for, in part, by a UDOT grant. Commissioner Ortega and Chairman Neil had no further comment.

10. Adjournment:

Motion: Commissioner Jenkins motioned to Adjourn at 8:47 p.m. – Commissioner Ortega seconded the motion. Vote: Commissioners Faulkner, Jenkins, Ortega and Chairman Neil voted aye. Motion carried.

2021

Neil	Faulkner	Maw	Jenkins	Skeen	Ortega
Jan 7	Jan 21	Feb 4	Feb 18	Mar 4	Mar 18
Apr 1	Apr 15	May 6	May 20	Jun 3	Jun 17
July 1	July 15	Aug 5	Aug 19	Sept 2	Sept 16
Oct 7	Oct 21	Nov 4	Nov 18	Dec 2	Dec 16

Planning Commission Chair

Planning Commission Secretary