

# Planning Commission Meeting

**Minutes of Morgan City Planning Commission GENERAL meeting held in open public session on May 19<sup>th</sup> ,, 2015 at 7:00 p.m., in the Council/Court Room in the City Office at 90 West Young Street.**

MINUTES

MAY 19<sup>TH</sup>, 2015

7:00 PM

MORGAN CITY COUNCIL ROOM

MEETING CALLED BY	Doug Garfield
MEMBERS	Ernie Durrant, Julie Anderson, Nate McClellan, David Griffith.
EXCUSED	Robert Lynam, Dave Carter, Jim Brown.
CITY STAFF	Steve Garside, City Planner; Tony London, Council Member; Ray Little, Mayor; Jeff Wardell, Council Member.
OTHERS PRESENT	Ron Hales, Jon Cannon, Richard Slate, Roger Carrigan, Ryan Nye.
INTRODUCTION	

## WORK SESSION

DISCUSSION	<p><b>Discussion Fencing Ordinance Amendment-</b>The Planning Commission had amended the fencing ordinance at a prior meeting. When staff reviewed the amendment, the changes created complications and contradictions. A committee was formed to discuss simplifying the fencing ordinance. Doug Garfield asked Mark Schmid and Steve Garside to explain the conclusion of the discussions by the committee regarding the fence ordinance. Steve Garside stated the conscience is to make it simple. Mark Schmid stated in the last 20 years, the ordinance has changed so much that it is hard to understand. In a meeting of the committee, the committee had a hard time interpreting and applying the code. The ordinance had been changed in one section, but contradicts in others. Definitions or wording was different from section to section. The committee had taken a scenario that each member would review and give their interpretations applying the code. The conclusion was that each committee member's review differed for the same scenario.</p> <p>Julie Anderson asked regarding the process for existing fencing. Existing fencing will be grandfathered in unless eminent danger has occurred. Nate McClellan asked what had sparked the changes to the ordinance. Commission members explained the concerns and complaints from residence that had the commission looking at changes. In the past 20 years, there have been multiple changes to the Ordinance. Each change to the ordinance was to clarify code. When in reality, it had done the opposite. Julie Anderson asked if the changes by the committee mirror those of the pictures submitted in the previous amendment. Steve and Mark stated they did not. Julie Anderson expressed her concern that the commission had reviewed another city fencing ordinance, did changes specific to Morgan City and now will not work for staff. The Commission and staff continued discussing the previous proposed amendment Ordinance.</p> <p>Doug Garfield redirected the commission to discuss the newly proposed simplified fencing Ordinance amendment generated by the committee. Julie questioned the simplifications possibly making it back to residence doing whatever they want. Steve Garside stated if the residents situation does not fit in the simplified Ordinance, the applicant would be required to come to the Planning Commission for review. Trying to create an Ordinance for each scenario is confusing and impossible. Nate McClellan asked Mark to clarify the "triangle". Mark explained the triangle concept on the white board. Julie stated she wanted drawings such as the ones Springville City has in their Ordinance indicating people can understand better with a visual. Doug Garfield requested to conclude the discussion until the next scheduled Planning Commission work meeting so the Commission could review the items on General Session agenda for tonight.</p>
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	<p><b>Final Approval-Rynell Business Park</b>-The Commission was limited on time to discuss the agenda items. Steve Garside briefly stated the Commission needs to determine if they want to recommend eliminating the sidewalk requirement in the cul de sac or not. The applicant has not provided a landscape plan or responded to the draft development deferral agreement for Industrial Road frontage.</p> <p><b>Final Approval-Jon Cannon</b>- The Commission discussed in a previous Planning Commission meeting that the applicant and the City need to enter into a development agreement for the improvements of 300 East. That agreement needs to be completed. The appropriate time for the variance notification regarding the flag lot of lot #4 has been completed and the variance was granted.</p>
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**GENERAL SESSION**

**MINUTES APPROVAL-APRIL 21<sup>ST</sup>, 2015**

<b>MOTION</b>	Ernie Durrant moved to approve minutes of the Planning Commission for April 21 <sup>st</sup> , 2015 as presented. Second: David Griffith Unanimous
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**ITEM #1 FINAL APPROVAL-RYNELL BUSINESS PARK**

<b>DISCUSSION</b>	<p>Steve Garside addressed the commission indicating that the commission had reviewed the proposal in the last couple of Planning Commission meetings. The property is appropriately zoned and has the General Plan designation that is consistent with this proposal. The application includes a cul de sac that aligns with 400 North. The Transportation Element of the General Plan provides for a future roadway that is to extend from Industrial Road to the south in order to complete a transportation network as development occurs in the industrial area of the City. During the discussion for concept approval, the Commission was satisfied that other connecting options were available in the future, and allowing this cul de sac would not be detrimental to future development in the area.</p> <p><b>PLANNING ISSUES:</b></p> <ol style="list-style-type: none"> <li>1. The applicant will also be responsible for completing the improvements (final width, curb, gutter, and sidewalk) along the southern side of Industrial Road. During the discussion at the concept phase, it was recommended that a delay agreement be utilized. This would require the applicant to install its proportionate share of the improvements at the time the City determines to complete the roadway at this location. Staff has not yet received this delay agreement for review.</li> <li>2. The applicant must ensure that sufficient utility capacity and infrastructure exist to support the proposed development. Staff has not received letters from any of these utility service providers.</li> <li>3. The cul de sac does not reflect the location of sidewalk. Unless waived by the City Council, upon recommendation from the Commission, this is to be installed. (11-4-2 B.)</li> <li>4. The submitted plans do not reflect any landscaping, as required by the ordinance.</li> </ol> <p>Planning Commission Chairman Doug Garfield invited Developer Ron Hales to address the Commission. Mr. Hales expressed his frustration regarding the cities process. Ron stated he had received a delayed development agreement from staff but did not agree with the contents and would not sign. Mr. Garside indicated the email sent with the delayed development agreement indicated it was a draft to review. Steve did not get a response from the developer. Mr. Hales stated the Ordinance required no landscaping. Staff along with the applicant discussed the landscape requirement concluding that the building site does not require landscaping but the development does require landscaped parkstrip with curb, gutter, sidewalks and landscape buffer. The Commission can make a recommendation to waive the sidewalk requirements but not the required landscaping.</p> <p>After listening to the frustrations of the applicant and the communication issues by the applicant, Chairman Doug Garfield directed the Commission, staff and applicant to discuss each item on both staffing and engineering notes. Above is the list of staffing notes.</p>
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	<p>Item #1. Completing the improvements (final width, curb, gutter, and sidewalk) along the southern side of Industrial Road. Ron Hales received a draft delay agreement prior to meeting for review. The Developer did not review and send back any changes to the agreement as the developer believed the agreement was the final. Mr. Hales will review the draft he currently possesses and send Steve Garside any changes to the draft. The Commission discussed communication needs to be established.</p> <p>Item #2. Sufficient utility capacity and infrastructure exist. Also, item #14 of the Engineer Notes which states- Morgan City will be supplying 3-phase power to this development; It would be helpful to the city Power Department if the developer could provide electrical load data for the proposed future on-site facilities if this information is available. Ron stated he can't give that information when he doesn't know what he will need. Ron Hales was not aware of the verbiage indicating "it would be helpful to the City Power Department and if this information is available" was recommended to provide. Mark Schmid stated the importance of this information is for staff to order supplies such as transformer, pole etc. Mark indicated the item will not hold up Final Approval. The applicant stated he has already met with the Water Advisory Board and has received a letter from Dave Potter.</p> <p>Item #3. The cul de sac does not reflect the location of sidewalk. Unless waived by the City Council, upon recommendation from the Commission. Ron Hales stated the development is in an Industrial area where Industrial type uses would use heavy equipment, trucks and machinery. He feels it is not an area where there would be a lot of pedestrian traffic and so why require sidewalk.</p> <p>Julie Anderson stated that for safety, there should be a sidewalk. When customer's park on the street, they will now have to exit and walk on the road. Do we really want people walking in the street with heavy equipment and big trucks using the same area? We also have a walking community and would like the sidewalk for safety. Nate McClellan stated that we cannot predict what future businesses are to be in the area, do we lose attraction when we deviate from the code. Our schools go on several local business field trips. We will jeopardize the safety of the students. Tony London stated if we waive the sidewalk, what is the area going to look like. Ernie Durrant agreed with the comments presented by the above commission members and asked to talk about the landscape portion of the code.</p> <p>Steve Garside stated that the code addressing the development requires a landscape strip, sidewalk and landscape buffer beyond the sidewalk. Ron Hales stated he had planned on landscaping around his building and was not planning on landscaping the park strip area or putting in a sidewalk. Ron is only occupying one lot and could not speak for the occupants of the 2 additional lots. Ernie Durrant stated he wants the sidewalk with the landscaped park strip between the curb and the sidewalk but does not agree with the additional landscape buffer beyond the sidewalk. Steve Garside clarified that the code allows the Commission to recommend waiving the sidewalk but does not have a provision to waive landscape requirements. The Commission, staff and applicant continued to discuss the landscaping, park strip and sidewalk. Ernie Durrant and other members stated they did not want to waive the sidewalk but also felt the landscape in the area was too much. Since the Commission can not recommend waiving landscape requirements, the commission could recommend waiving the sidewalk. If the sidewalk was waived, the requirement is an easement from the right-of-way with a landscape buffer beyond the easement. Julie Anderson expressed her desire to not waive the sidewalk and stay with code regarding the landscape element. Nate McClellan agreed with keeping the sidewalk requirement.</p> <p>The Commission only discussed a few items on the engineering notes as most of the items were engineering requirements and no Planning issues. The above discussion did coincide with Item #5 of the engineering notes which states the following recommendation; The City Public Works Standards require sidewalks on all dedicated public streets. If the Planning Commission and the City Council are of the opinion that sidewalk will not be needed, then an exception to the standard will need to be passed by the governing bodies. Even if sidewalk is not required, we still recommend that the full standard street right-of-way (60ft) be dedicated so that if sidewalk is needed in the future, the right-of-way will be available.</p>
<p><b>MOTION</b></p>	<p>Ernie Durrant moved to recommend final approval of Rynell Business Park to the City Council for consideration with the following: a landscape plan submitted for the development that meets the required existing Ordinance, waive the requirement for sidewalk on the infrastructure of the development, enter into a delayed development agreement for road frontage on Industrial Drive, required items be submitted at deadline of City Council for review.  Second: David Griffith  4 aye and 1 nye. Julie Anderson.</p>

**ITEM #2 FINAL APPROVAL-JON CANNON SUBDIVISION-125 NORTH 300 EAST**

<p><b>DISCUSSION</b></p>	<p>Planning concerns during Preliminary approval of the Jon Cannon Subdivision were the requirement of a variance request to have a flag lot on a 4 lot subdivision and a development agreement for 300 East.</p> <p>The variance was submitted and the allotted public notification has expired. One comment was received regarding irrigation issue. Staff reviewed the variance with public comment and concluded to grant the variance.</p> <p>Steve Garside stated he had contact with Mr. Cannon after reviewing the request of improvements as a development agreement. Raw property is the responsibility of a developer which has the developer required to install improvement of curb, gutter and sidewalk.</p> <p>Council Member Jeff Wardell indicated he had a conversation with Mayor Little and Public Works Director Mark Schmid that 300 East is not to city's standards. Jon Cannon approaching the City with a proposal to dedicate land to improve and ensure the compliance of city standards would be beneficial to the city and the developer. A mutual agreement is to enter into a development agreement with the developer to share cost. Jeff state the city will meet with Mr. Cannon to discuss cost. Nathan McClellan asked how they determine a reasonable agreement. Steve Garside gave the scenario for determining the reasonable value. Mark Schmid stated the proposed road and subdivision will solve several issues such as; fixing the road and boundary issues.</p>
<p><b>MOTION</b></p>	<p>David Griffith moved to recommend final approval of Jon Cannon Subdivision for the City Council's consideration pending the development agreement for 300 East.                  Second: Nathan McClellan                  Unanimous</p>
<p><b>PUBLIC COMMENT</b></p>	<p>Richard Slate stated Young Chrysler is parking fleet vehicles on lot 2. He is under the impression that nothing was approved for lot 2. The Commission indicated they will look into the concern.</p>

**ADJOURNMENT**

  
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 Teresa Shope, Secretary

These minutes were approved at the June 16<sup>th</sup>, 2015 Meeting.