

**PLAIN CITY PLANNING COMMISSION
MINUTES OF MEETING
8 FEBRUARY 2007**

The Plain City Planning Commission convened in a meeting on Thursday, the 8th February 2007, in the Council Chambers of the Plain City Hall at 7:00 p.m. Present showed the following: Chairwoman Artie Pearce excused, Vice Chairman Buddy Sadler, Members: Bob Spencer, Al Drummond, Brandon Stokes excused, and alternate Jarod Maw and Secretary Kathy Hancock. Also present: Councilman Don Weston, Lisa Cox, Kris Johnson, Dan Johnson, Byron Krenek, Cory Wallwork, Carl Miller, Owen Brinkerhoff, Dean Hurd, Tom Favero, and Drew Moyes. Vice Chairman Sadler conducted the meeting and Mr. Spencer gave the invocation.

Set Public Hearing – Parkvale Subdivision – March 8, 2007

Mr. Drummond moved to set a public hearing for the Parkvale Subdivision on March 8, 2007. Seconded by Mr. Spencer. Vote: Mr. Drummond, Mr. Sadler, Mr. Spencer, and Mr. Maw voted aye. The motion carried.

Final Approval – River Crossing Subdivision Phase 1A & 1B – Approx. 4950 W 1500 N

Mr. Sadler mentioned that Mr. Buie has made the changes the commission asked for. There are less large lots, but there is a stub road to the east and also to the south. There are not any lots with 14,520-sq. ft. they are all bigger. There are 6 - ½ acre or bigger lots. It was mentioned that our ordinance requires a 50-ft radius turnaround instead of the 84 feet proposed temporary turnaround. The commission asked Don Weston about the emergency access. Mr. Weston mentioned that he would like to see the access extend to lot 29 or 30 so that if the intersections are blocked they can get to the lots. There was concern with a culvert over the wetlands, but there is one there already. The access would have to be all weather according to the fire code. The new drawings show a ditch behind lots 9 through 16. It will have to be piped according to our ordinance. Since there are three different options of Phase 1A at the City Office, Mr. Sadler asked which one Mr. Buie was going with. He is going with the plat that was turned in on February 6, 2007. There will be open space north of lot 8 that will be dedicated to the city. They will sod it and keep the mature trees that are currently on the property. Mr. Sadler suggested lots 3 & 4 also are restricted with the 10 feet of back yard until the emergency access is abandoned. Some lots will be required to face the main street if there are no temporary turnarounds. Mr. Buie mentioned that there is a note on the plat. Mr. Buie gave Secretary Hancock a letter from Mt View Irrigation for secondary water. Mr. Buie will meet with the Warren Canal Company on February 14th and will let the City know what will be required. The lift station needs to be worked out with the engineers. Field fencing will be required around all of the agricultural property according to the public works standards. Don Weston mentioned that the Fire Department doesn't want crash gates on the emergency access. Fencing on the west of the access was discussed. Mr. Buie stated that he could put signs on the property stating that the access can't be blocked or anything put on it. The homeowners association will maintain the access. It will also be written on the CC&Rs. **Mr. Drummond moved to recommend final approval to the City Council for the River Crossing Subdivision contingent upon the conditions on the letter from Brad Jensen dated January 26, 2007, turnarounds are 100 foot diameter and corrected on the plat, the emergency access will be an all weather road on the east side of phase 1 all the way to 1400 North, a field fence will be required around the agricultural property, the ditch is piped along the west side, a letter is received from the Warren Canal Company and any issues resolved, the trails are all weather, and the piping of the storm drain sizing to be approved by Brad Jensen. Seconded by Mr. Spencer. Vote: Mr. Drummond, Mr. Maw, Mr. Sadler, and Mr. Spencer aye. Motion carried.** Mr. Favero asked that Brad Jensen is aware that he uses 7 cfs of water plus run off.

Preliminary/Final Approval – Dean & Brenda Hurd Subdivision Amendment – 2435 N 4425 W – 3 lots

Mr. Dean explained what he wants to do. There was a discussion concerning the garage. The shed will have to be moved, and will either be put on lot 3 or sold. The lot sizes are okay. A deferral agreement will need to be signed. **Mr. Spencer moved to grant preliminary approval and recommend final approval to the Dean and Brenda Hurd Subdivision Amendment contingent upon signing a deferral agreement for curb, gutter, sidewalk, and storm drain and it is recorded on the plat, and the condition the building is removed. Seconded by Mr. Drummond. Vote: Mr. Maw, Mr. Drummond, Mr. Sadler, and Mr. Spencer all ayes. Motion carried.**

Motion – Determination on Fence Requirements for Bluff Acres

Mr. Cory Wallwork who has bought this property and is building on lot 2 wants a fence to keep the cows out of his property. Mr. Wallwork will keep the two tax id numbers. Since the commission didn't address the fence issue at final and the ordinance says fencing according to the commission, the attorney has asked the commission to make a decision. This property was broken off of a larger section and sold and there is no fencing. The commission mentioned that since the developer created a new condition he is responsible to fence the property. The commission also mentioned that when it came before them the commission thought the property was fenced since it wasn't mentioned, therefore it wasn't addressed. Mr. Wallwork was told by the developer that only 20 feet in back was to be paved not 20 feet wide all the way back. The developer told Mr. Wallwork the road didn't need to go in until a house was going to be built on lot 1. The city needs to clarify whether the improvements have to be done before the lots can be sold. The commission feels that the developer is responsible to put in a fence. The commission had a discussion as to whether the road has to go in before Mr. Wallwork can build. It was discussed that if the improvements aren't being put in than it should just be recorded as one lot. Mr. Wallwork stated that he paid for

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two improved lots and didn't want to do that. It was mentioned that the developer should have to pay to put the road in. Mr. Wallwork mentioned that Mr. Diamond thought that there would eventually be a subdivision on the east and the stem and turnaround wouldn't be needed. Mr. Wallwork mentioned there is a deferral agreement in place so the developer will be responsible for the costs. The commission explained that the owner accepts the deferral agreement and the costs associated with it. The commission also mentioned the developer should run all the utilities to the back of the stem for lot 1. The commission feels that there are issues with the road and fencing. **Mr. Drummond moved to table the determination of the fence and other normal developed agreements that would go with the flag lots at this time. Seconded by Mr. Spencer. Vote: Mr. Maw, Mr. Drummond, Mr. Sadler, and Mr. Spencer. Motion carried.** Mr. Wallwork has put up a temporary fence so he could start his house. Mr. Owen Brinkerhoff who is leasing the property mentioned the fence is not adequate to keep the cows in. Mr. Wallwork told Mr. Owens to fix the fence, but it is not his responsibility since he is just leasing. The original developer is responsible. The commission all feel like it is the developer's responsibility even though it wasn't addressed with approval. The commission decided a motion needed to be made concerning the fence since the agenda only includes the fence not improvements. **Mr. Drummond withdrew his motion to table the fence issue. Mr. Spencer withdrew second. The votes were withdrawn. Spencer moved that the commission feels that the intent of the original recommendation was that it meet the City Ordinance 11-5-2 paragraph G as far as fences are concerned and the fences are to be provided by the developer. Seconded by Mr. Drummond.** Mr. Sadler mentioned that he feels it is the City's intent to have new developments fenced and the Planning Commission felt there was a fence around the property. The commission wasn't given all of the information and in good faith the commission would like the developer to hold to the ordinance. **Vote: Mr. Maw, Mr. Drummond, Mr. Sadler, and Mr. Spencer. Motion carried.**

Motion and/or Set Public Hearing – Conditional Use Permit – Kris Johnson – Dog Kennel

Mrs. Johnson explained that she has 6 Yorkie and 2 Cocker Spaniel dogs. They range from age 6 to 16 years old. The 6 are retired show dogs. They have a wood picket fence around their property and the dogs stay in the yard or house. The yard is kept clean. The dogs are kept in the house at night. The cocker spaniels will be used for breeding purposes. As the Yorkies die they will not be replaced. She put 4-12 dogs because of the breeding, but they won't be kept over the 4 months. Mrs. Johnson would also like to board dogs until they are adopted. It was mentioned for the breeding and adopting it would require a business license and different conditions would need to be set. The Johnsons decided they wouldn't board other dogs. A condition would be the County could inspect at any time. If the neighbors complain it could also be revoked. The Johnsons suggested that once the Yorkies are gone the kennel permit could be revoked. The Yorkies are professionally trained to use for therapy in nursing homes etc. The commission would like to discuss it further at the work meeting and see a layout of where the dogs are kept. **Mr. Spencer moved to table this for further discussion at the work meeting. Seconded by Mr. Drummond. Vote: Mr. Maw, Mr. Drummond, Mr. Sadler, and Mr. Spencer. Motion carried.**

Approval of the Minutes – January 10, January 11, and 16 January 2007

Mr. Drummond moved to approve the minutes of January 10, 2007 as written. Seconded by Mr. Spencer. Motion carried. Mr. Drummond moved to approve the minutes of January 11, 2007 as written. Seconded by Mr. Spencer. Motion carried. Mr. Drummond moved to approve the minutes of January 16, 2007 as written. Seconded Mr. Spencer. Motion carried. Mr. Maw noted he wasn't present at any of the meetings but voted.

Report from City Council- Drummond

Mr. Drummond reported that Mr. Brandon Stokes was appointed as a member of the Planning Commission, Mr. Al Drummond was re-appointed, and Mr. Jarod Maw was appointed as alternate. The commission discussed the mixed zone. Mr. Sadler mentioned he would like to see a zone with about 60% ½ acre and 40% 1/3 acre lots. There isn't anything like this, but would like something diverse in the community. Mr. Maw suggested stipulating the acreage size.

Schedule for Attending the City Council Meeting

Pearce	Sadler	Spencer	Drummond	Stokes	Maw
				Mar 1	Mar 15
Apr 5	Apr 19	May 3	May 17	Jun 7	Jun 21
Jul 5	Jul 19	Aug 3	Aug 16	Sept 6	Sept 20
Oct 4	Oct 18	Nov 1	Nov 15	Dec 6	

Mr. Spencer moved to adjourn at 9:00 p.m. Seconded by Mr. Drummond. Vote: Mr. Sadler, Mr. Maw, Mr. Drummond, and Mr. Spencer voted aye. Motion carried.