

**Plain City Planning Commission
Minutes of Meeting
9 October 2008**

The Plain City Planning Commission convened in a meeting on Thursday, the 9th of October 2008, in the Council Chambers of the Plain City Hall at 7:00 pm.

Present showed the following:

Chairwoman: Artie Pearce
Vice Chairman: Brandon Stokes (arrived 7:05 p.m.)
Members: Bob Spencer (arrived 7:05 p.m.)
Buddy Sadler (arrived 7:02 p.m.)
Jarod Maw
Alternate: Robert Seager
Staff: Kathy Hancock

Also present: Mike Lobato, Debra Lobato, Roy East, Darrell Christensen, Councilman Brett Ferrin. Chairwoman Pearce conducted the meeting and Mr. Maw gave the invocation.

Motion - Conditional Use Permit – Mike Lobato – 1410 N 4250 W – Dog Kennel

Chairwoman Pearce explained that Mr. Lobato was required to put slats in his chain link fence on both sides but his neighbors both oppose that. Mr. Sadler arrived. Mow strip is underneath the fence on the north and south but not behind the house by the canal. There isn't any reason for anyone to be back by the canal. There is the canal a burn and the Weber River. Another option is to put another fence on the inside of the existing fence. Mr. East expressed his opinion. He doesn't see why the commission would require slats in the fence. He has a hedge on his side of the property and doesn't want slats in the fence. Mr. East has had no problems with the dogs barking or getting out. It was noted that the existing fence is only 4 feet high on both sides. The commission explained that it is for safety reasons. They would be concerned with little fingers going through the fence and getting bit. The Easts and Allreds may not want the fence but if they sell the homes the next one might. It was noted that permission has been granted for all of the conditions, the commission just needs to address the slats in the fence. It was noted that precedence has been set with making everyone else have a privacy fence. There was one dog kennel that nothing was mentioned about a fence, but it had a cedar fence. It was mentioned that the planning commission needs to look at their putting a heavy burden on the residents. It was also mentioned that the city hasn't caused the problem that puts the burden on the resident. Mr. Maw read the motion from August 14, 2008 when the conditional use permit was approved. It is no longer valid when 2 dogs die, the house is sold, Lobato's move out or 3 years. Two inspections are allowed from animal control a year. They have two outside dogs and three inside and the inside only go out long enough to do business. Mr. Lobato suggested he put slats in the kennels. The privacy fence is required for when the dogs are out of the kennel or the inside dogs are out. It was suggested looking at each individual kennel and not all of them as a whole when approving. The commission still feels it is a safety issue. Mr. Lobato mentioned his neighbors have offered to take the dogs if he has to get rid of 2. The commission is concerned that if the requirements are changed, the others will come back and require the same thing. **Mr. Spencer moved to maintain the conditional use permit as it exists without the slats being required. Chairwoman Pearce seconded the motion.** Mr. Stokes asked if the fence is 6 foot all the way around the yard. Mr. Lobato mentioned that the fence is 4 foot on the north and south but the kennels and the back are 6 feet. It was mentioned that if a 6 foot fence is put in it will require that trees and shrubs be removed. It was mentioned that all of the fences need to be 6 foot high because that is standard with all kennels. The slats might be discussed, but the fences need to be 6 feet. **Vote: Mr. Spencer and Chairwoman Pearce aye and Mr. Maw, Mr. Sadler and Mr. Stokes nay. Motion was denied.**

Discussion – Verizon Cell Tower- Joe Serrao

Mr. Serrao mentioned that he has been discussing the cell tower with Mitch Willson and the Mayor. Mr. Serrao wanted to discuss the location with the Planning Commission before surveys and drawings are done. Mr. Serrao explained that the cell tower would be a mirror image of the existing one. The problem is there isn't enough room in the fenced area for the Verizon shelter. Verizon's shelter is similar to Cingulars and won't fit and allow room to maintain the other shelters. They are proposing to replace the existing 50 ft light pole with a 120 ft tower with a light. The lights will be whatever the city requires. By doing this it will allow the city to have more 3-4 cell tower co-locators and bring in more revenue to the city. Mr. Serrao showed the commission a picture of what it would look like. The fenced area would be about a 30'X40' leased space with a 12 foot wide standard access. It was suggested that all of the cooling units be placed on the north side so stray balls won't hit and destroy them. Mr. Serrao stated his engineer suggested on the north side. The commission didn't see any problems at this time with the location. For safety reasons there won't be any pegs on the poles. It was suggested Mr. Serrao get a copy of the ordinance and make sure it is followed.

Discussion – Lorna Hoffman – landlocked concerns

Mr. Darrell Christensen representing Lorna Hoffman presented a letter to the commission. In the letter, his daughter explained that she would like the opportunity to let her children build houses behind her house. At this time, her property is landlocked.

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Because the subdivision to the east didn't put a stub street into her property she can't develop it. Her frontage is 100 feet with about 55 feet to the east. She has about 4 acres behind her house. The property goes back to the canal. The commission looked at the plat map. According to what they could determine the property to the east is a flag lot. Where a flag lot has been created it would give her an opportunity to have one house behind her house if she applied and a flag lot was approved. Mr. Christensen mentioned that according to the plat there are questions with the boundary. In the front there is a 2 foot discrepancy and in the back about 4-5 feet. It was mentioned it might be a good idea to have that taken care of now before lots are sold. Pheasant Brook has a road stubbed both directions but Pheasant Hollow wasn't required to. It would be hard to require the developer to stub a road to the west at this time. The pipes are in the ground and it is ready for curb and gutter. The commission isn't sure what could be done. It would need to be discussed with legal council. Another option would be to grant a variance for a 55 foot road. According to the plat it may be a 6.2333 ft. variance required. Sidewalk could be required on only one side or no parkstrip required. The variance would come before the commission. The commission is concerned that a flag lot was created when Lorna's subdivision was done. It was mentioned that the property could be subdivided from the east or west and a variance or a flag lot wouldn't be required. The only problem is Ms. Hoffman would have to wait until that happens to subdivide or build houses. The concern with a street going into Ms. Hoffman's back property is it would create double frontages for the Pheasant Hollow lots. The General Plan shows a road where the private dirt road presently is. Mr. Christensen mentioned that when Pheasant Hollow crossed the canal there were problems and a road may never be allowed over the canal for the property to be subdivided. The commission mentioned that right now a flag lot could be applied for. It would require a 20 foot paved stem, a 5 ft green buffer on each side, and a 50 foot turnaround. It was also mentioned for a variance certain things are required and they aren't easy to get. Mr. Christensen also mentioned that all subdivisions bordering an agricultural protection area have to have a note on the recorded plat stating they border one. It was mentioned that when Ms. Hoffman wants to build she can apply for a conditional use permit for a flag lot or wait until the property to the north or west is subdivided.

Approval of minutes – 25 September 2008

Mr. Maw moved to table the approval of the minutes of 25 September 2008 as written. Mr. Spencer seconded the motion. Vote: Mr. Maw, Mr. Sadler, Mr. Spencer, Chairwoman Pearce, and Mr. Stokes all ayes. Motion carried. Mr. Stokes noted he wasn't present but voted.

Commission Comments

The commission had a note from Lloyd Watson asking if he could put a modular home on his lot before his home is torn down. Chairwoman Pearce will contact him to see what he is asking. Mr. Maw researched underground detention basins. One city didn't allow them because of the maintenance. There is a possible problem with sink holes especially with high water tables like we have here. Chairwoman Pearce talked to Brad Jensen and he would give approval for commercial but not residential because it is too costly and the maintenance. It was suggested that maybe instead of underground detention ponds they need to be have xeriscape and little maintenance. Seager mentioned that at City Council Jeff Hales got re-final, the sewer project has been awarded and moving forward, the park at town square has been traded for impact fees, Councilman Ferrin is over the Commission and Councilmember Koford is over Parks and Recreation, and the city is looking at purchasing the school again.

Public Comments

No public comments.

Schedule for Attending the City Council Meeting

<u>Pearce</u>	<u>Sadler</u>	<u>Spencer</u>	<u>Stokes</u>	<u>Maw</u>	<u>Seager</u>
	Nov 6	Nov 20 Dec 4	Dec 18		

Mr. Stokes moved to adjourn at 8:35 pm. Mr. Sadler seconded the motion. Vote: Mr. Maw, Mr. Sadler, Mr. Spencer, Chairwoman Pearce, and Mr. Stokes all ayes. Motion carried.

Planning Commission Chair

Planning Commission Secretary