

Plain City Planning Commission
Minutes of Meeting
13 August 2009

The Plain City Planning Commission convened in a meeting on Thursday, the 13th of August 2009, in the Council Chambers of the Plain City Hall at 7:00 pm.

Present showed the following:

Chairwoman: Artie Pearce
Vice Chairman: Buddy Sadler
Members: Robert Seager
Jarod Maw
Alternate: Blake Neil
Staff: Kathy Hancock

Also present: Max Eddy, Beverly Eddy, Michele Young, Lance Young, Nichole Campbell, and Todd Harris. Chairwoman Pearce conducted the meeting and Mr. Sadler gave the invocation.

Public Hearing – Forever Young Subdivision – 2 lots – approx. 4706 W 2200N

Mr. Sadler moved to convene in a public hearing for the Forever Young Subdivision. Mr. Maw seconded the motion.

Vote: Mr. Seager, Mr. Sadler, Chairwoman Pearce, Mr. Maw and Mr. Neil all ayes. Motion carried. Chairwoman Pearce explained that this is for a 2 lot subdivision. There were no public comments. **Mr. Seager moved to go out of the public hearing and reconvene in the regular meeting. Mr. Neil seconded the motion. Vote: Mr. Seager, Mr. Sadler, Chairwoman Pearce, Mr. Maw and Mr. Neil all ayes. Motion carried.**

Preliminary /Final – Forever Young Subdivision – 2 lots – approx. 4706 W 2200 N

Chairwoman Pearce explained that because it is a two lot subdivision if the commission feels it is ready, preliminary and final can be received from the commission in one night. Chairwoman Pearce talked to Brad Jensen about this subdivision. His concerns are the narrative and the drainage ditch. Mr. Jensen talked to the developer's engineer. The narrative could have been worded differently, but there isn't a problem with it. There is plenty of room for the right of way. There are no other properties being affected. This falls under something like the statute of limitations where the fence line has been there so long it is the property line. It was mentioned that the commission discussed requiring the remaining parcel to be lot 2. Brad Jensen doesn't want that, because it creates a problem when it is developed later. The commission asked who uses the drainage ditch. Mr. Max Eddy explained that his father-in-law dug the ditch. Mr. Eddy and his brother-in-law use the ditch. Mr. Eddy stated that the ditch runs through his property, he owns the ditch, the property in question, and he will own the easement. It is strictly a drainage ditch that will be piped. The commission recommended moving the drainage ditch to the outside of lot 1 so it doesn't infringe with building. Mr. Eddy didn't have a problem rerouting the ditch. The deferral agreement has been signed for lot 1. The commission discussed requiring the remaining parcel to also have a deferral agreement signed. It was decided that if this property is built upon a deferral agreement would be required when it is subdivided into lots. **Mr. Maw moved to grant preliminary approval and recommend approval to the City Council for Forever Young Subdivision located at 4706 W 2200 N, based on the discussion that the drainage ditch be piped, the ditch and easement be relocated within 10 feet of the property line, and fencing around the developed property be added prior to occupancy to meet city ordinances. Mr. Neil seconded the motion. Vote: Mr. Seager, Mr. Sadler, Chairwoman Pearce, Mr. Maw, and Mr. Neil all ayes. Motion carried.**

Preliminary – Universal Estates Subdivision – 21 lots – approx. 3200 N PC Rd

Chairwoman Pearce mentioned that this subdivision received final approval from the commission but not from City Council. Preliminary and Final approval have expired so it is in for preliminary approval again. Because it has been before the commission for final approval, some of the issues that were previously discussed still need to be worked out or on the final plat. Those will need to be done before final is presented again. The commission is concerned about the steepness of the detention basin. City Engineer Brad Jensen says it meets the criteria, but a shallow slope would be more desirable. The commission agrees with Mr. Jensen. Mr. Harris will look at this. Because of an existing fence line and property line difference there may be an extra 20 feet that would be part of the detention pond. There is a concern that all of the original property is not included on the plat. If it was at one time all one tax id number it needs to be included. If that is the case the improvements on North Plain City Road need to be done. The buildings on the Kenneth Owens property would also need to be shown. Mr. Harris mentioned that because the Owens didn't want to remove the buildings those parcels were taken off the plat. The commission would like Brad Jensen to check to see where the original property line is. Piping needs to be shown on the plat. Lots 6, 7, 11, and 18 need to be restricted and shown as R lots. There is a note stating they are restricted but the commission would like an R by the lot numbers. Lots 14 and 15 need to show as restricted because of the detention pond being part of the property. The commission would like the detention pond to have a weed barrier with rocks and a fence around it with a gate. Mr. Harris mentioned that they will be part of lots 14 and 15. If that is the case, the commission would like the slope different. Mr. Maw mentioned that 3-1 is an acceptable slope. A Storm Water Permit needs to be applied for and received. The run off will go into Brad Harts property and a letter has been received from Mayor Papageorge stating that they will maintain the pipe. The commission

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discussed the percolation test. It has expired but because sewer will be used a new one won't be required. If sewer is going to be used an agreement will need to be done. That will be dealt with at City Council. The commission wants it connected to the sewer or the subdivision can't be approved. A field fence needs to be installed around any surrounding agricultural property. **Mr. Sadler moved to grant preliminary approval to the Universal Estates #2 Subdivision contingent that the comments on the letters from Brad Jensen stated September 4, 2008 and July 29, 2008 are finished, that the north boundary line of lot 1 will be double checked by Brad Jensen to see if it is the original property line, lots 6, 7, 11, and 18 will be listed as restricted lots and not just on the plat notes, fencing will be required around all undeveloped property including down the road from 2875 W to North Plain City Road along the Donald Hanzlik Trust property and the fencing is done prior to occupancy, the sewer is connected to the Plain City Sewer System, and the detention basin is approved as engineered. Mr. Maw seconded the motion. Vote: Mr. Seager, Mr. Sadler, Chairwoman Pearce, Mr. Maw and Mr. Neil all ayes. Motion carried.**

Motion – Amendment to the Subdivision Ordinance – Fencing

The commission reviewed the subdivision fencing ordinance. It was changed and needs to be changed back to the way it was originally. The commission wanted it changed to say before any improvements begin on the subdivision a fence needs to be installed around all surrounding agricultural property boundaries. **Mr. Sadler moved to recommend the Amendment to the Subdivision Ordinance concerning fences to the City Council as amended. Mr. Maw seconded the motion. Vote: Mr. Seager, Mr. Sadler, Chairwoman Pearce, Mr. Maw and Mr. Neil all ayes. Motion carried.**

Motion – Amendment to the Police Regulation and Zoning Ordinance – Kennels, Catteries, and Livestock

The commission discussed the changes the City Council would like. The commission included a grandfather clause for kennels stating that "Any kennels or catteries approved prior to September 15, 2009 are grandfathered in according to the prior conditions granted by the governing authority when the kennel or cattery was approved". One of the recommendations from the City Council was regulating animals under 6 months of age. The commission feels that because it falls under food production they don't want a limit. The City Council doesn't want Buffalo eliminated. The commission needs to find out what acreage is required for raising them. They will not be allowed on anything less than 1 acre. The commission feels that Breeding Game Birds is taken care of under A. (Livestock and fowl over the age of six months are subject to this regulation) Instead of 30 feet the commission would like all street setbacks to be 60 feet. Under 5-4-8 and at the end of 10-8-6 the grandfather clauses needs to say: Animals and Livestock that have met prior ordinances approved before September 15, 2009, are grandfathered in as long as the animals or livestock have not been removed from the property for more than 6 months or there are no changes to property ownership. **Mr. Maw moved to table the amendment to Police Regulations and Zoning Ordinance concerning Kennels, Catteries and Livestock until the meeting on August 27, 2009. Mr. Seager seconded the motion. Vote: Mr. Seager, Mr. Sadler, Chairwoman Pearce, Mr. Maw and Mr. Neil all ayes. Motion carried.**

Motion – Amendment to the Snow Removal and Parking Ordinance

The City Council doesn't want no parking on 2200 N east of 3600 W. There are too many streets in the city that are narrow. There isn't a safety issue with the crossing guard because there is a pullout. **Mr. Maw moved to table the amendment to the Snow Removal and Parking Ordinance until the August 27th meeting. Mr. Neil seconded the motion. Vote: Mr. Seager, Mr. Sadler, Chairwoman Pearce, Mr. Maw and Mr. Neil all ayes. Motion carried. 27th August.**

Public Comments

There wasn't any public present.

Approval of the Minutes – July 23, 2009

Mr. Seager moved to approve the minutes as discussed, minor issues. Mr. Neil seconded the motion. Vote: Mr. Seager, Mr. Sadler, Chairwoman Pearce, Mr. Maw and Mr. Neil all ayes. Motion carried. Mr. Sadler noted he voted but was not present.

Report from CC

The important items were previously discussed.

Commission Comments

Chairwoman Pearce mentioned she received a phone call from someone interested in the school for housing, a library or community center.

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Schedule for Attending the City Council Meeting

<u>Pearce</u>	<u>Spencer</u>	<u>Sadler</u>	<u>Maw</u>	<u>Seager</u>	<u>Neil</u>
Oct 15	Nov 5	Nov 19	Sept 3 Dec 3	Sept 17 Dec 17 (if held)	Oct 1

Mr. Sadler moved to adjourn at 9:40 pm. Mr. Maw seconded the motion. Vote: Mr. Seager, Mr. Sadler, Chairman Pearce, Mr. Maw, and Mr. Neil all ayes. Motion carried.

Planning Commission Chair

Planning Commission Secretary

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