

Plain City Planning Commission
Minutes of Meeting
14 January 2010

The Plain City Planning Commission convened in a meeting on Thursday, the 14th of January 2010, in the Council Chambers of the Plain City Hall at 7:05 pm.

Present showed the following:

Chairwoman: Artie Pearce

Vice Chairman: Buddy Sadler

Members: Bob Spencer (arrived at 7:15 pm)

Jarod Maw

Blake Neil

Alternate: Matt McBride

Staff: Kathy Hancock

Also present: Jerry Jensen, Michael Spears, Cody Rhees, Todd Harris, Chris Bitton, and Attorney Brandon Richards arrived at 7:46 pm.

Chairwoman Pearce conducted the meeting and Mr. Maw gave the invocation.

Motion – Lot Line Adjustment – Jerry Jensen/Michael Spears

Mr. Jerry Jensen and Mr. Michael Spears were present. Mr. Jensen explained that Mr. Spears is selling the back portion of his property to him. Right now Mr. Jensen has two tax id numbers and Mr. Spears has one. Mr. Jensen would still have two and Mr. Spears would still have one. Instead of 2.50 acres, Mr. Spears would have 1.125 acres. Mr. Jensen would then have 3.905 acres in his parcel. All of the parcels fit the zone. There aren't any buildings on the property being shifted. The property will be used for agricultural use. The application mentioned 3 parcels, but the only parcels being affected are tax id numbers 24-047-0082 and 24-047-0077. The parcel with Mr. Jensen's house is not being affected (tax id 24-047-0081). **Mr. Sadler moved to approve the lot line adjustment for the Jensen and Spears property as per the application. Mr. Maw seconded the motion. Vote: Mr. Maw, Mr. Neil, Mr. Sadler, Chairwoman Pearce, and Mr. McBride all ayes. Motion carried.**

Re-Preliminary Approval – Universal Estates #2 – approx. 2825 W North PC Rd. - 23 lots

Mr. Spencer arrived. Chairwoman Pearce mentioned that she talked to Brad Jensen this afternoon and he said that Top Ramen needs to be amended simultaneously with Universal Estates #2 preliminary approval. Mr. Harris explained that they will be shortening the Top Ramen Subdivision by 5.30 feet in the front and 4.15 feet in the rear to allow for the 60 foot road for Universal Estates. Mr. Harris explained that when the Top Ramen Subdivision was originally drawn it was done right. When another company re-drew it they added the 5 feet. The extra tax id numbers have been straightened out. The entrance to the subdivision has been curved enough to be at the right angle for the intersection. Mr. Harris mentioned he had his Engineer address all of the items on the letter from Brad Jensen dated December 29, 2009. Item one, the dates on the signature blocks have been fixed. Item two, the addresses have been fixed. Item three, the address for Top Ramen has been addressed. Item four, the items on the red lined check print have been finished. Item five, mentions Top Ramen Subdivision needing to be amended. This needs to be done before Universal can be granted preliminary approval.

There was a question concerning lot 2 gaining the 4 inches needed for the frontage. It was mentioned that different surveys can cause that. The restrictions on the lots were discussed. The lots shown as restricted on the plat do not make sense. It was decided that the numbers changed when the Owens property was added and the lot numbers needs to be changed according to what the restrictions are. The lots needing restrictions for driveways are 13, 14, 20, and 21. The parcel being dedicated to the city is for the lift station. It was noted that the lift station will need to be according to the public works standards. According to the public works comments, they do not want any maintenance on the lift station property. The new temporary turn around standards were discussed. The commission isn't sure they want to follow the new standards. They think it is overkill. Mr. Sadler will go look at the temporary turnaround in the Fox Subdivision. There is concern that if road base isn't sufficient than maybe the temporary turnarounds need to be asphalted. It was noted that the commission needs to look at the safety issues with the temporary turnarounds.

Mr. Harris needs to bring in 4-24"X36" and 1-11"X17" plats of Top Ramen showing the location of the house, The Universal Estates plat needs to show lots 13, 14, 20 and 21 restricted for driveways along with the notes changed to match, and the commission will address the temporary turnarounds. The commission noted that the lift station needs to be in compliance with the Public Works Standards and fencing needs to be installed around the surrounding agricultural property. **Mr. Spencer moved to table the re-preliminary approval of the Universal**

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Estates #2 Subdivision located at approximately 2825 W North Plain City Rd. - 23 lots, until February 11, 2010. Mr. Neil seconded the motion. Vote: Mr. Maw, Mr. Neil, Mr. Sadler, Chairwoman Pearce, and Mr. Spencer all ayes. Motion carried.

Motion – Conditional Use Permit – Plain City Confectionery – Cody Rhees – 2398 N 4350 W

Since there is a transfer of ownership the City Attorney recommended requiring a conditional use permit for the Plain City Confectionery because there was never one required. The Confectionery has 4 residential garbage cans and a blue recycle can right now. If he needs to, he will get a dumpster, but would rather keep the garbage cans. There is a living area on the drawings of the building. He doesn't plan on using it as a living area. The people who currently own the bar live in it. He is planning on using the area for storage to get it out of the public's view. He would like to eventually convert one of the bedrooms into a kitchen so the cooking isn't being done in the bar area. The Building Inspector would need to look at any changes. The Fire Marshall has set a limit of 50 occupants. Mr. Rhees mentioned the Building Inspector and Fire Marshall have been over.

There was a concern with being so close to the daycare, but it was decided that the daycare was approved with the Confectionery in the current location. For the State Liquor license they do look at the relative placement with school, parks, and churches. The Pizzeria is no longer in operation. Since the Confectionery has been there longer than the church, park, or daycare the State doesn't have any issues. The elementary school is no longer an issue. There has never been an issue with the bar being there. All State regulations and statutes would have to be followed.

The current operating hours are from 10 am to 11 pm. Mr. Rhees would like to extend the hours from 11 am to 12 pm. He doesn't want someone leaving this bar to go to another one. The only parking is on the street and has always been that way. There is a driveway that goes to a garage on the property. There isn't any parking behind the building. It was suggested requiring an emergency zone in front of the building.

The living area could be part of the conditions. Mr. Rhees mentioned he doesn't have a problem with that, but if he sells it he doesn't know if the new owners would. The commission mentioned that if it is part of the conditions then the new owners would have to come back in and petition for a new conditional use permit. Another condition could be for signs. One concern is that the Confectionery may not have had issues in the past because of no advertising and that signs should be restricted. It was mentioned that the sign ordinance would have to be followed and it doesn't need to be part of the conditions. Bands and dancing were discussed. Mr. Rhees mentioned there isn't a lot of room. Maybe a small band would be brought in once in a while, but that is all. **Mr. Sadler moved to table the conditional use permit for the Confectionery. No second. Motion died for lack of second. Mr. Spencer moved to grant the conditional use permit for the Plain City Confectionery as is. No Second. Motion died for lack of second. Mr. Maw moved to approve the Conditional Use Permit for the Plain City Confectionery located at 2398 N 4350 W contingent upon the living area located in the building not be used as a residence. Mr. Spencer seconded the motion.** There was a concern that the parking, signs, and the garbage issues should be addressed. **Vote: Mr. Maw, Mr. Spencer, Mr. Neil ayes, and Mr. Sadler and Chairwoman Pearce nay. Motion carried.**

Commission Comments

City Attorney Brandon Richards mentioned that he will have the ordinance he was asked to draft available for next month. The proposed ordinance was discussed. Mr. Neil mentioned that he needs to set up a meeting as per the State requirements before he can proceed with the Grant for Moderate Housing. The ordinance will tie into the General Plan. If anyone wants to use this ordinance the General Plan may have to be amended.

The commission and Mr. Richards discussed the conditional use permit for the Confectionery. If there are changes to the building or the business the conditional use permit may have to be relooked at. Having the conditional use permit stay with the property was also discussed. It is an objective issue. A permit will also be required for signs.

The commission would like to discuss horses being allowed in the subdivision with Mr. Harris when he is on the agenda again.

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Approval of the Minutes – December 10, 2009

Mr. Maw moved to approve the minutes of December 10, 2009, as written. Mr. Sadler seconded the motion. Vote: Mr. Maw, Mr. Neil, Mr. Sadler, Chairwoman Pearce, and Mr. Spencer all ayes. Motion carried. Mr. Spencer and Chairwoman Pearce noted that they voted but weren't present.

Public Comments

No comments.

Report from City Council – Maw

Mr. Maw reported that Mr. Sadler mentioned the snow removal problem in his area, they appointed Diane Hirschi as the City Recorder and Steve Davis as the Treasurer, there was an audit report, we have a new Sergeant, the meeting schedule will remain the same, the Animal Control Contract was extended, a contingency was released for the curb and gutter replacement in Plain City Meadows phase 6, business licenses and warrants were approved, Kelley mentioned policies at work meetings, Higley talked about snow removal, and Ferrin mentioned a quarterly budget planning meeting.

Discussion – January 28th Agenda

The General Plan Review and Nuisance ordinance concerning noise will be on the next agenda. The animal ordinance was mentioned. It will be tabled for at least 6 months. Getting a community focus group together to work on the animal ordinance was discussed.

Mr. Sadler moved to adjourn at 9:00 pm. Mr. Maw seconded the motion. Vote: Mr. Maw, Mr. Neil, Mr. Sadler, Chairwoman Pearce, and Mr. Spencer all ayes. Motion carried.

Schedule for Attending City Council Meetings

Pearce	Sadler	Spencer	Maw	Neil	McBride
	Feb 4	Feb 18	Mar 4	Mar 18	Apr 1
Apr 15	May 6	May 20	Jun 3	Jun 17	Jul 1
Jul 15	Aug 5	Aug 19	Sep 2	Sep 16	Oct 7
Oct 21	Nov 4	Nov 18	Dec 2	Dec 16 (if held)	

Planning Commission Chair

Planning Commission Secretary