

Plain City Commission
Minutes of Meeting
July 27, 2023

Plain City Planning Commission met in a regular meeting at City Hall on Thursday July 27, 2023, also accessible via ZOOM beginning at 7:00p.m.

Present: Chairman Faulkner
Commissioner Maw
Commissioner Jenkins
Commissioner Skeen
Zoom Commissioner Ortega
Excused Commissioner Neil

Staff: Tammy Folkman, Dan Schuler-Zoom

Attendees: Tim & Hannah Rusch, Shane & Sheila Rusch, Trent Myerhoffer

Zoom Attendees: Carl Miller

Welcome: Chairman Faulkner

Pledge of Allegiance: Commissioner Jenkins

Moment of Silence/Invocation: Commissioner Skeen

1. Roll Call: Chairman Faulkner directed roll call. Commissioners Maw, Jenkins, Ortega, Skeen, and Chairman Faulkner were all present. Commissioner Neil was excused
2. Opening Statement: Chairman Faulkner
3. Ex Parte: Chairman Faulkner mentioned that she has had several communications with Amy Slocum. She is looking to purchase the lot on 2700 West that was open space for the Heritage North subdivision that Cody Rhees did. Chairman Faulkner feels what Amy wants to do won't work, there has been a lot of discussion on this. Chairman Faulkner encouraged her to come to a technical review.

4. Public Comments:

Carl Miller said the sound on the work session was not very good. He also mentioned that he would like to be on the committee to work on the general plan. Chairman Faulkner suggested he contact Tammy to get on the list. Tammy mentioned she has an email of everyone who would like to be on the committee and Carl is on it.

5. Approval of Work Meeting/Regular Meeting Minutes for July 13, 2023

Commissioner Maw motioned to approve all meeting minutes for July 13, 2023 with the change that Commissioner Ortegas name be removed from all things voted on. Commissioner Jenkins seconded the motion. Commissioners Maw, Jenkins, Skeen, Ortega and Chairman Faulkner voted aye. The motion carried.

6. Technical Review Report: none at this time

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7. Legislative Items:

Discussion/Motion: Extension on Freedom Estates Subdivision 1550 N 4560 W

Commissioner Maw mentioned that it was a year ago that they received final approval. Chairman Faulkner was wondering if it has been started. Tammy indicated that it has not been started. Commissioner Jenkins wondered if they need to specify a length of time that it needs to be extended. It was decided to extend for a year.

Commissioner Jenkins motioned to recommend giving Freedom Estates at approximately 1500 N 4560 W an extension for one year. Commissioner Maw seconded the motion. Commissioners Maw, Jenkins, Skeen, Ortega and Chairman Faulkner voted aye. The motion carried.

Discussion/Motion: Detached Accessory Dwelling Unit Ordinance

Chairman Faulkner mentioned that our building inspector Trent Myerhoffer is here tonight just to answer questions. She just wanted to say the more we get into this ordinance the less she likes it. She feels like we are creating an ordinance that will be tough to follow. She asked if anyone would like to make any changes before, we send it on to city council. Commissioner Jenkins is wondering if we need a minimum lot size of 18.5, or do we feel like the setbacks will guide what they can do. He is wondering if we can get rid of it. Chairman Faulkner and Commissioner Skeen both like the lot size at 18.5. Commissioner Skeen still doesn't like the setbacks and the height. He still likes the counties aspect that it should be the same setbacks as the zone on any residential dwelling. Chairman Faulkner can't see how that would work. Commissioner Skeen mentioned that privacy in the back yard is important to him. He thinks it is silly to have a setback on the front yard but not on the back where you need privacy. He feels there is a difference between an accessory dwelling where people would live and an accessory building. Commissioner Jenkins said wasn't the goal to have accessory dwelling and accessory buildings to have the same setbacks. Commissioner Skeen said the commissioners like the simplicity of it but he doesn't like the practicality of it. Commissioner Maw mentioned that before the meeting Chairman Faulkner talked about someone who was building an accessory dwelling first and they will live in that while they build their primary structure. He indicated they could say they will make the accessory dwelling their primary structure and now they are not compliant with the ordinance. Commissioner Jenkins is a strong advocate that we should make all accessory buildings as similar as possible for simplicity and not have to police it. He mentioned we don't want people to lie about it. Chairman Faulkner mentioned that setbacks for both accessory dwellings and accessory buildings have a 5-foot setback right now if the ordinance is approved. Commissioner Maw indicated we need to keep in mind the 10-foot utility easement around the property that will govern where a building can be built. Commissioner Skeen said you can get a variance to build if you have a letter from all utility companies. Commissioner Jenkins indicated that some people are doing a detached garage that is flush with their home. He is wondering if there are any arguments against having a detached accessory dwelling flush with the home. Chairman Faulkner said if you have 8 homes in a neighborhood and they all have a detached dwelling flush with their home it now looks like you have 16 homes. Commissioner Maw would like to talk about building height. Trent would like to have a number not percentage for building height it is easier for him to work with. He said for agriculture we have no control if they are on a 5-acre lot, but if they are in residential, he has seen them be as low as 20 feet. He would like us to pick a number and stick with it. Commissioner Skeen said we agreed on a height of 25 feet. Everyone agreed to leave it as 25 feet. He would like to have 10-foot side setback, 10-foot rear setback and just a one story detached accessory dwelling unit. Everyone said they did not mind doing the 10 feet on side and rear. Commissioner Maw said do we want to keep it 30 feet on a corner lot. Commissioner Skeen mentioned that it can't be flush with the house because 50% has to be behind the back of the house. He is wondering why we are trying to make this ordinance so easy

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when we have regulations on everything else in the city. If we are going to make it conform, why are we doing a new ordinance. Commissioner Jenkins said he is not making it legal for people to do, he just wants there to be no question and make it identical. Commissioner Skeen is not in favor of changing accessory buildings to 10 feet. Chairman Faulkner is okay having the ordinances different. Commissioners Maw and Jenkins would like to see it the same. Chairman Faulkner asked Trent what he thought about having accessory buildings and accessory dwelling the same. Trent said there will be a lot of angry people, he said right now they get mad when he tells them they have to be 3 feet from the property line, he said a lot of people just want a garage not an accessory dwelling unit. He indicated that people would also build right on the property line if they could. The reason we have 5 feet was for fire trucks to get in the back. Commissioner Maw is in favor of 10 feet for both accessory dwelling and accessory buildings. Commissioner Jenkins agrees. Commissioner Ortega asked if there is anything specific, we are thinking of changing. He feels we have spent a lot of time and discussion on this and we now need to send it on to city council and get their opinions on it. He would like to see this finished tonight. Chairman Faulkner is wondering about people who have existing buildings who want to convert it to an accessory dwelling unit. Commissioner Maw and Jenkins mentioned that we should grandfather them in. Commissioner Skeen said it is two different situations. Chairman Faulkner feels we should have two different rules, for two different uses and if they want to convert it, they shouldn't be able to because it is not compliant. Trent mentioned trying to police things like this would be a full-time job for multiple people. Trent said right now we do not have any accessory dwelling units that have been approved. We do have some applications but they do not meet the requirements. Chairman Faulkner just has a problem with an accessory building being converted to an accessory dwelling and it is not compliant. There was talk about asking legal about grandfathering. Commissioner Skeen likes a detached accessory dwelling being one story. Trent mentioned that most of the applications do have the living space on the second floor. There was talk about taking out E (1) 1,000 square foot living space, everyone agreed to take out the whole line. Chairman Faulkner said we can talk about site development when we have it in front of us. She would like to change 50% in rear yard to 25% in rear yard on E (5). Commissioner Jenkins still doesn't like the lot size. Chairman Faulkner would like to keep it in.

Commissioner Jenkins made a motion to recommend approval to city council for Detached Accessory Dwelling Unit Ordinance with the following changes on E-1 eliminate the square footage and E-2 changing rear and side setbacks to 10 feet and on E-5 changing 50% to 25% located in the rear yard. Commissioner Maw seconded the motion. Commissioners Maw, Jenkins, Ortega and Chairman Faulkner voted aye. Commissioner Skeen voted nay. The motion carried.

8. Administrative Items:

9. Report from City Council: Commissioner Jenkins

Commissioner Jenkins mentioned that there was an amendment to the motor vehicle and traffic code regarding off highway vehicles. In the past you had to renew it every two years and now you can renew it every five years. Councilmen Skeen mentioned that there are only about twenty throughout the whole city. The sewer MWPP plan was passed. There was approval for a new track loader for the landfill, the vote was split. They approved business licenses; they did table one of them there was a person who wanted to do a trailer rental business. Councilmen Sadler would like the planning commission to look into this and maybe adding it to the commercial zone. There will be further follow up with legal. Councilman Beal would like to look into banning solicitors in Plain City.

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10. Commission Comments:

Commissioner Jenkins mentioned that Councilmen Sadler asked what legal guidance we received when we were working on the assisted living ordinance. Chairman Faulkner mentioned that we did get counsel and legal was on zoom in a couple of our meetings. Commissioner Jenkins asked if he talked about not discriminating and having an ordinance for each category. Chairman Faulkner doesn't think so, she thinks we just proposed it that way and legal felt like that was the way to go. Commissioner Maw will be out of town on August 17 and will not be able to attend city council, Commissioner Skeen said he could maybe do it. They will switch days Commissioner Skeen will go on August 17 and Commissioner Maw will go on October 5. Dan mentioned the microphone on zoom was hard to hear.

11. Adjournment

Commissioner Skeen moved to adjourn the meeting. Commissioner Jenkins seconded the motion. Vote: Commissioners Skeen, Maw, Jenkins, Ortega and Chairman Faulkner voted aye. Motion carried.

Meeting ended at 8:01pm

City Council: August 3– Commissioner Ortega

2023

<u>SKEEN</u>	<u>JENKINS</u>	<u>ORTEGA</u>	<u>MAW</u>	<u>NEIL</u>	<u>FAULKNER</u>
JAN 5	JAN 19	FEB 2	FEB 16	MAR 2	MAR 16
APR 6	APR 20	MAY 4	MAY 18	JUN 1	JUN 15
JUL 6	JUL 20	AUG 3	OCT 5	SEP 7	SEP 21
AUG 17	OCT 19	NOV 2	NOV 16	DEC 7	DEC 21

If you are unable to attend on your assigned night, please make sure someone goes in your place

Planning Commission Chair

Planning Commission Secretary