

Plain City Commission
Minutes of Meeting
May 25, 2023

Plain City Planning Commission met in a regular meeting at City Hall on Thursday May 25, 2023, also accessible via ZOOM beginning at 7:00p.m.

Present: Chairman Faulkner
Commissioner Neil
Commissioner Maw
Commissioner Jenkins
Commissioner Ortega (arrived at 7:32)

Absent Commissioner Skeen

Staff: Tammy Folkman, Dan Schuler-Zoom

Attendees: Austin Maes, Erin & Shaun Fowers, Shane & Sheila Rusch, Tim & Hannah Rusch, Adam Frei

Zoom Attendees: Adams Family

Welcome: Chairman Faulkner

Pledge of Allegiance: Commissioner Neil

Moment of Silence/Invocation: Commissioner Jenkins

1. Roll Call: Chairman Faulkner directed roll call. Commissioners Neil, Maw, Jenkins and Chairman Faulkner were all present. Commissioner Ortega arrived at 7:32, Commissioner Skeen was absent.
2. Opening Statement: Chairman Faulkner
3. Ex Parte: Commissioner Maw mentioned having a conversation with the mayor about having relatives on the city council and planning commission. Commissioner Neil said he had a phone call from a resident who was at the public hearing for the detached accessory dwelling unit ordinance. Commissioner Jenkins mentioned talking to Jeff Spencer, Jeff is interested in what is happening with the general plan. Commissioner Jenkins volunteered Jeff to be involved in the discussions.
4. Public Comments: Shaun Fowers said it looks like you are discussing the detached dwelling unit, he thought it was tabled. Chairman Faulkner indicated we are just discussing things that were said in the last meeting. Sheila Rusch has a couple of points to share on property values, she mentioned it looks like property values have increased with a rental on the property she said it did not devalue the home. She also mentioned not having privacy with a two-story detached dwelling in the back yard she doesn't feel this is the case. She also mentioned if this was a concern maybe change from having 50% in the back yard. She also doesn't feel that everyone will build a detached dwelling in their yard, as well as building the detached dwelling flush with your home. She indicated it would be the same if you were just building a garage. Tim Rusch said he liked the draft that was proposed. The reason he wants to have a detached dwelling unit is to save money for his own house in the future.

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5. Approval of Minutes for May 11, 2023

Commissioner Jenkins motioned to approve meeting minutes for May 11, 2023. Commissioner Maw seconded the motion. Commissioners Neil, Maw, Jenkins and Chairman Faulkner voted aye. The motion carried.

6. Technical Review Report: none at this time

7. Legislative Items:

8. Administrative Items:

Discussion/Motion: Site Plan Application for FIIZ Drinks 3635 W 2600 N Adam Frei

Chairman Faulkner asked Mr. Frei if he knew what is different from what was proposed on the original. Commissioner Maw indicated the paint finish on the storage, add wood finish to certain areas, add a screen wall around the electrical equipment and an overhang over the sitting area. He feels it doesn't look complete from the drawings he has. Mr. Frei said the south side does have skirting around the air conditioner it was put up on Sunday. There is a visor on the walk-up window. He said the exterior signs are in the packet and there are more things to finish on the north side. Commissioner Maw was wondering if they were going to do the decal. Mr. Frei said he was not going to do that but if the planning commission wanted him to, he would. He indicated the signs just have bulbs in them and the trim piece is backlit. Chairman Faulkner is concerned about the north lights shining into the neighbors houses she is okay with the south sign but would like to see the north side sign backlit. She also mentioned putting up a berm so when cars are going through the drive through, their lights don't shine on the homes to the north. There was also mention of putting up a hedge, to block the car lights. The drawings of FIIZ that were presented in the year 2020 is different from the drawings the commissioners have today, there are a lot of differences. Mr. Frei mentioned that the city council approved the new plans. Chairman Faulkner wondered if we had an updated drawing at the city. Planning Commission is not bothered by where the sign will be, but they are bothered by how the building looks. Chairman Faulkner mentioned that the city council was hesitant to give Mr. Frei a business license because of all the things that needed to be fixed to match the drawings we have here at the city. Mr. Frei said city council had the plans at their last meeting, Tammy went and got the plans for commissioners to see. Tonight, is just to get approval for the sign. Mr. Frei said he is not the owner of the building just the franchise owner. Chairman Faulkner mentioned that to get approval of the business license Mr. Frei needed to fix some of the things on the building to make it look like the plans, his business license renewal for next year depends on what he gets done this year.

Commissioner Jenkins motioned to approve the exterior building signage for FIIZ with the contingency that the north sign is backlit. Commissioner Maw seconded the motion. Commissioners Neil, Maw, Jenkins and Chairman Faulkner voted aye. The motion carried.

Discussion/Motion: Site Plan Application for Outright Auto 2414 N 4350 W Austin Maes

Chairman Faulkner asked Austin Maes what he was going to do on his site. He said he will use the space for an office and have maybe two or three cars for sale, there will be a quick turnaround on the cars. Mr. Maes said he will have three cars maximum there, all other cars will be stored at his home. The hours of operation will be 9-7. Commissioner Neil wanted to know if there will be maintenance on the cars. Mr. Maes said no maintenance will be done off site.

Commissioner Maw motioned to approve site plan for Outright Auto 2414 N 4350 W. Commissioner Jenkins seconded the motion. Commissioners Neil, Maw, Jenkins, Ortega and Chairman Faulkner voted aye. The motion carried.

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Discussion: Accessory Dwelling Unit Ordinance

Chairman Faulkner mentioned the print off that Tammy gave everyone tonight it is the code 10-8-5 on height regulations so on our detached accessory dwelling ordinance we can put in 10-21-3 (E) we can just put *height subject to 10-8-5 (B) No dwelling shall be erected to a height less than ten feet (10'), and no accessory building in a residential zone shall be erected to a height greater than twenty-five feet (25')*. This is the same regulation for a detached garage. Commissioner Neil mentioned 10-9-2 parking spaces for dwellings, he said the phone call he mentioned earlier was in regards to parking. The person he talked to had heard our discussion on parking and he wondered if accommodate would be a better term than adequate. Chairman Faulkner wondered what the exact definition of accommodate was? Commissioner Jenkins said as long as we are not letting people park on grass or mud or the street, he is okay with adequate. Dan feels like adequate supports approved parking. Chairman Faulkner is thinking of referring to *Chapter 9 10-9-2 Parking Spaces for Dwellings*. Commissioner Jenkins would like to talk about setbacks being 25% in the rear yard, Chairman Faulkner indicated it was 50% not 25%. He would like the setbacks to be the same as building a garage to make it easier for people. If building a garage is easier people are going to go that route every time instead of building an accessory dwelling. He feels we need credit for what we are trying to do. He thinks that a detached garage can be flush with your home, but an accessory dwelling unit cannot be flush with your home? Chairman Faulkner feels we would be taking away the frontage that keeps our city rural. Commissioner Maw feels we need to make both the detached garage and the accessory dwelling the same as much as possible. Commissioner Jenkins is wondering if you can have a second story detached accessory dwelling? Commissioner Maw said as long as it meets our code height regulations. Chairman Faulkner would like to change the lot size to 18 thousand 5 hundred square feet. That would make the minimum lot size 18.5. Commissioner Maw felt like if they could meet the requirements on a smaller lot, they should be allowed to do it. Chairman Faulkner said we are still saying they are allowed in any zone but the minimum lot size needs to be 18.5. Chairman Faulkner mentioned a letter that she got that said we should not be limiting the square feet of living space you can build. Commissioner Maw feels they should be able to do what the setbacks dictate. Everyone was in agreement on 10-21-3 (E) 1. take out the word *limited to*. Commissioner Maw said setbacks are done graphically in the ordinance. 10-21-3 (E) 2. add *rear side setbacks are 5 feet and a corner lot setbacks are 30 feet*. Dan is wondering if this ordinance is just for new builds or an existing structure as well. He said some of the older existing structures have different setbacks so they would not be able to build an accessory dwelling legally. He was wondering if we grandfather in this type of structure. Chairman Faulkner's initial reaction was that we don't grandfather them in. Commissioner Jenkins felt like we should. Commissioner Maw mentioned that if they are doing it before this ordinance is in place it is already grandfathered in, but then after the ordinance is in place and it doesn't meet the ordinance, they can't do it. Chairman Faulkner feels like it should be our goal to make an ordinance that is reasonable and makes sense that the neighbors feel good about it and that people want to come in and get a permit and do it the right way. Commissioner Maw feels we need to look at the accessory building ordinance as well and get them done at the same time. Chairman Faulkner would like legal to look at the accessory dwelling unit ordinance before our June 8 meeting, she would like the accessory building ordinance on the agenda for June 8 as well set a public hearing for the accessory building ordinance.

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Discussion: Commercial Zone Ordinance C1, C2, C3

Chairman Faulkner would like to add rehabilitation center it would be to the commercial zone ordinance it would be C1 -N, C2 -N, C3-C. She mentioned that boarding or lodging house is C1-N, C2-N, C3-N which would seem that Air BBs are not allowed, but we have them in the city right now. She is wondering what we do about it. Commissioner Maw was wondering if we want to add vacation rentals? Commissioner Neil has a vacation rental in a different state and he says there are a lot of things you would need to go through to rent it out. Commissioner Ortega is concerned about the noise to other neighbors, but if they do it quietly and we can police that he is okay with letting people do an Air BB. Chairman Faulkner is asking do we want to do it with conditions or leave it the way it is now. She would like to see if other cities have Air BBs in their cities. Commissioner Maw found a short-term rental in Logan. Commissioner Neil is concerned about a Porta Potty business. Chairman Faulkner wants to add Portable or Mobile Toilet Storage C1-N, C2-N, C3- C also add Dumpster Rental C1-N, C2-N, C3-C. She would also like to change the line on *10-6-1 (A)* to read *If a specific business is not listed these uses apply C-1 not allowed, C2-not allowed, C3-not allowed.* Chairman Faulkner would like a discussion motion on the next meeting agenda on June 8.

9. Report from City Council: Commissioner Maw

Council members talked about budget and the flood plain ordinance. Chairman Faulkner asked if everyone had seen the letter from our engineer supporting the facts on not having an elevation in the ordinance. The city council will get a copy of the letter in their next meeting. Councilman Panunzio would like to see more policing at the new four way stop by Maverick. There was talk about getting a new loader for the landfill, as well as upgrades to the sewer, there was talk about an all-access park for special needs.

10. Commission Comments:

Commissioner Ortega feels we are getting pressure to spend more money, he feels we are doing good as a city to save for a rainy day. He would like to talk more about the parking verbiage in the accessory dwelling unit ordinance, he feels this will cover what is needed *Shall provide adequate off street parking spaces on approved surfaces for all residents on the property such that no on street or unapproved surface parking is needed.* He will send this to Dan to look at. Chairman Faulkner asked Dan, on 3600 West the road is pretty rough she is wondering if we could update the paint so people know where to drive, she knows we are waiting for a grant but it is pretty bad. Also, at the end of 2200 at the northeast corner where there was a water leak, she is wondering what is being done. Dan is going to make Connex who caused the water leak cut the corner out and have them fix it.

11. Adjournment

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

Meeting ended 8:46pm

City Council: June 1– Commissioner Neil

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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	AUG 17	SEP 7	SEP 21
OCT 5	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