

Plain City Commission
Minutes of Meeting
April 27, 2023

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

Present: Chairman Faulkner
Commissioner Neil
Commissioner Maw
Commissioner Skeen

Excused Commissioners Jenkins and Ortega

Staff: Tammy Folkman, Dan Schuler-Zoom

Attendees: Shane and Sheila Rusch, Tim and Hannah Rusch, Lance Price,
Brad Brown

Zoom Attendees: none

Welcome: Chairman Faulkner

Pledge of Allegiance: Commissioner Neil

Moment of Silence/Invocation: Commissioner Skeen

1. Roll Call: Chairman Faulkner directed roll call. Commissioners Neil, Maw, Skeen, and Chairman Faulkner were all present. Commissioners Jenkins and Ortega were excused.

2. Opening Statement: Chairman Faulkner

3. Ex Parte: Chairman Faulkner mentioned getting a call from a Mr. Nate Reeves representing the Craig Jackson property, she also received a call from Sheila Rusch. Commissioner Maw received an email from Erin Fowers about the accessory dwelling units.

4. Public Comments: Sheila Rusch and Timothy Rusch were here to see if some of the language in the detached accessory dwelling unit ordinance could be changed. Commissioner Maw mentioned that we are in the process of making changes, one of those changes is to make the detached accessory dwelling unit match the accessory dwelling setbacks in our city code. Timothy talked about the zones that were allowed in our ordinance and the square footage allowed. He said their lot is a little shy of what the ordinance requires. Sheila showed the planning commission her plan and mentioned that she had talked to Councilmen Beal and Jenkins. She mentioned that her lot is a little bit different size lot than most. Commissioner Maw mentioned that city council wanted planning commission to put a lot size in the ordinance he also said they wanted 50% of the dwelling to be in the rear yard. Timothy thought 10-21-3 4,5 contradicted each other. Commissioner Maw said we will take a look at that. Timothy would like to reduce the square footage requirements. Chairman Faulkner mentioned there has been a lot of talk about the square footage, for example you could be in a RE-15 zone and still have the square footage you would need. She thinks the Rusch family should show their visual to city council. She also mentioned that we are looking at allowing this in more zones with the square footage. She encouraged them to come back to the public hearing and say the same thing and get their information on the public hearing. Commission Maw explained what life safety meant in an accessory dwelling unit from a garage. Chairman

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Faulkner mentioned connecting the dwelling to the house and then there would be no issue. Sheila mentioned applying for a variance. Chairman Faulkner indicated that would be unlikely. She said how do you say yes to one person and not another on a variance. Commissioner Neil mentioned there are a lot of elements that contribute to getting a variance one of them would be (what would be the hardship). Timothy mentioned they have a garden in the back yard, the price of concrete and the extra 16 feet of snow he would have to shovel. He was just bringing up examples.

5. Approval of Minutes for April 13, 2023

Commissioner Skeen motioned to approve meeting minutes with the change on #9 from half acre lot to RE-30 and RE-40 for April 13, 2023. Commissioner Neil seconded the motion. Commissioners Neil, Maw, Skeen and Chairman Faulkner voted aye. The motion carried.

6. Technical Review Report: Commissioner Neil talked about the technical review with Ben Modesitt. Ben wanted to build storage units in a zone that was not zoned commercial right now or on the future land use map for something like that. Ben did ask what location would be a good fit. Commissioner Neil and Maw said the lot North of Maverick would work, or on center street. Ben was directed to look for property in C2 or C3. Commissioner Neil did mention that there would be a lot of conditions in a C2 zone.

7. Legislative Items:

Discussion/Motion: Preliminary for Weber Vista Subdivision approx. 2865 W North Plain City Rd. 5 lots

Commissioner Maw noticed that Mr. Brown had changed the application to the correct name. Chairman Faulkner mentioned that all will serve letters are in the right name and the parcel numbers are fixed. Mr. Brown said he had a new letter for the parcel numbers. Commissioner Maw wanted to make sure our engineer had seen all these changes. Chairman Faulkner mentioned that in the engineers memorandum he was fine with approving preliminary, but it also said other items should be reviewed by the city council and planning commission.

Commissioner Maw motioned to approve preliminary for the Weber Vista Subdivision approx. 2865 W North Plain City Rd. 5 lots. Commissioner Neil seconded the motion. Commissioners Neil, Maw, Skeen, and Chairman Faulkner voted aye. The motion carried.

Discussion/Motion: Sensitive Land use Ordinance specifically Flood Plains

Public works director Dan Schuler changed some verbiage under 10-18-18 #9 and 9-b in the sensitive land use ordinance. Dan mentioned that planning commission could deny a home that is to be built in a flood plain but not the whole subdivision. Commissioner Skeen thought city council wanted an elevation in the ordinance. Dan mentioned it does state a height, but we don't know what the elevation will be and what kind of ground it will be built on. Commissioner Maw indicated the geo technical report, and that it would help with the height issue. It would be different for each project. He is also concerned about putting an elevation on our ordinance, he is afraid it might hinder us. Commissioner Skeen is concerned about land that has been under water in the past when the lake came up and is now dry. Commissioner Skeen mentioned there was a lot of elevation talk from the city council. Chairman Faulkner was wondering if the elevation could be identified on our flood plain map. Dan is wondering if elevation will change from year to year. He mentioned that a developer will need to bring all their information to the planning commission to pass off before they can build in a flood plain. Commissioner Skeen is wanting to protect the future residents, he said people may move out here and don't

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know that they are building in a flood plain or that they need sump pumps. Commissioner Maw would like to see buyers do their homework. Chairman Faulkner said we already had a public hearing for this, she is wondering if we need another one? Everyone agreed we don't need to have another public hearing.

Commissioner Maw made a motion to recommend Chapter 18 Sensitive Land use Ordinance specifically Flood Plains to the city council. Commissioner Neil seconded the motion. Commissioner Neil, Maw, Skeen, and Chairman Faulkner voted aye. The motion carried.

8. Administrative Items:

a. Discussion: Rehabilitation/Assisted Living ordinances

Chairman Faulkner feels we have addressed everything but not sure about the rehabilitation part of the ordinance. She feels that there are some things we can list and say it is only aloud in commercial zones. She will find her notes and get those to Tammy to put in. Commissioner Maw was wondering if she meant any person who needs to be supervised. Chairman Faulkner said yes and we would put this type of facility in C3 zone only. She would like a section on residential facilities and one for assisted living as well as high risk.

9. Report from City Council: Meeting Canceled

10. Commission Comments:

Commissioner Neil mentioned the Craig Jackson packet, he said it has improved but he did not see any amenities in there. Commissioner Skeen mentioned that in their cover letter they did mention amenities. Chairman Faulkner mentioned she had gotten a call from a gentleman that is working with the Jacksons, he wanted to know why they were not on the agenda. She said we still can't zone it to what they want, they can show us what they want to do but we still can't do anything about it. It is not on the future land use map and we can't do it. She mentioned that they had contacted the mayor and would like to do another work meeting. Commissioner Neil said we did a work meeting with them in October of last year. Chairman Faulkner said they have restructured it slightly so it would be helpful for us to see what they would like, but doesn't like to do a custom fit zone for a developer. Commissioner Maw felt the same way. Chairman Faulkner said if they do a big portion in RE-18.5 then they could apply for the overlay and apply for mixed use. Commissioner Maw mentioned they are trying to get bigger lots, but still have too many smaller lots. Dan mentioned that all the larger lots are in a flood plain. Commissioner Neil said it was a plus that they put the one acre lots along the rail trail. Chairman Faulkner has thought about the detached accessory dwelling unit she feels we need to take out the line about the State statute.

11. Adjournment

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

Meeting ended 8:14pm

City Council: May 4– Commissioner Ortega

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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