

Plain City Commission
Work Meeting Minutes
January 22, 2026

Plain City Planning Commission met in a work meeting at City Hall on Thursday, January 22, 2026 also accessible via ZOOM beginning at 6:30p.m.

Present:

Chairman Maw
Commissioner Ortega
Commissioner Ableman
Commissioner Faulkner
Commissioner Skeen
Commissioner Neil

Staff:

Tammy Folkman, Dan Schuler, Brandan Quinney

Attending:

Councilmember Jenkins

Zoom Attendees:

Brian Bingham

Brandan Quinney our City Attorney is here for a work meeting, it is intended to be a discussion between Brandan and the planning commission. He is going to go over what he has learned about the senior housing overlay (SHO Zone). He did mention we have recently received an application for one but the purpose of this meeting is not to talk about that particular project. He mentioned it is not on the agenda so if we could refrain from talking about the particulars for that project that would be best to save it for an actual agenda item. Brandan mentioned he will go over the general structure behind senior housing overlays. He stated you can take this information and apply it with any ongoing applications. It is intended to be for planning commissions benefit to make the transition between planning commissions and city council as smooth as possible in the future. Chairman Maw asked if we could go over the process on how to take the SHO Zones as they come in. Brandan has created an outline on what he is understanding the process to be. He did say the way the ordinance is written a SHO zone is allowed in any zone in the city. He indicated it has to be approved by planning and city council. Brandan mentioned they have to be superior in functional design and quality construction, appearance and operational standards. They will need to design with the disabilities act in mind. He stated if you want to impose something outside of these rules you will need to find some sort of justification. Commissioner Faulkner feels the problem is planning is confused on what is conditional use. Brandan indicated the process is partly a conditional use but it is not just that there is more to it. He stated in section 4 (H) of the SHO zone is where we should start with the actual process you would start with a draft development agreement you would negotiate conditions of approval within it. It is not a conditional use permit yet; you would start with the draft development agreement. Brandan indicated this will help you to know what the conditional use application will contain. He did say the applicant should come with a draft development agreement with the proposed conditions they think would be appropriate for their SHO zone overlay. He mentioned planning will go over each of the standards that apply to the SHO zone as well as conditional use permits. Commissioner Ableman is wondering how hard it would be to rewrite this ordinance he indicated it is confusing to read. Brandan stated it would not be hard. Commissioners wanted to know if they could put a moratorium on the ordinance while they rewrite it. Brandan did say you may want to be careful, he stated when you have pending applications there is not necessarily a vested right in that project. Commissioner Ableman had a question about an application that wanted to change the zone from Re-15 and RE-18.5 to RE-1-11 and SHO zone then asked for a conditional use for senior housing. Brandan indicated he understands but on the other side of the coin where we have entertained the application to this point. Commissioner Ableman did say it was denied. Brandan did mention it was an appealable denial. He did say at this point we have applied our own law incorrectly and we can't put this on the applicant saying you didn't submit a correct application. Commissioner Faulkner did say we need to understand the conditional use better. Commissioner Skeen mentioned that it says a SHO zone is to be in a limited area of the city he said the SHO zone is not intended to be utilized in all residential development within the city the SHO zone should only be permitted for property

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approved by the planning commission and city council. Brandan indicated subject to the rules we have applied to it with the conditional use permit. Commissioner Neil felt like the location was not appropriate for this type of permit. There was a discussion if it was a conditional use or an overlay application. Brandan stated if it comes as a conditional use, we are now subject to state law, he indicated we need to look at the objective standards that we have set up in code which are in chapter 7 you will need to weigh the application on the code not how you personally feel. There was discussion of why it is not found in our other zones. Brandan again mentioned you will want to look in chapter 7 of the SHO zone for the general standards that you would apply to this type of project. When you talk about location you would go to conditional use and come up with standards to mitigate any detrimental effects. He did say if you can come up with ways to mitigate them you have to approve it. He mentioned if you can't mitigate then you would need to articulate what the negative effect is and why you can't mitigate the standards then planning can deny. Commissioner Faulkner mentioned we should be able to open the ordinance even though we have an application already, she did say we have done this in the past to work out some kinks. Brandan cautioned against regulatory takings, if you have a project with an application that has been submitted. He will look at the current law on pending ordinances. Brandan will start drafting an update to the ordinance. Commissioner Ableman asked about denying an application that doesn't have the right zone. Brandan did explain it is not a rezone but an overlay in any zone. He did say he is trying to advise planning how you should be applying the ordinance now. If there is an appeal and it goes to court, he is looking at how a judge will interpret our own laws and he is trying to help prevent any sort of litigation in the future. Brandan did say we start with a draft development agreement you would negotiate a draft agreement the ordinance requires that you review it then send a recommendation to city council for review then then will add their modifications but no action is taken, it is a pure preliminary review by both planning and city council. The conditional use permit can't even be considered until this step is complete. Commissioner Faulkner is wondering what kind of recommendation to we do. Brandan stated you would make a recommendation be what planning recommends or modifications or just deny. Planning thought the conditional use should come first. Commissioner Ortega is wondering if we can get going on amending the ordinance and put a moratorium on any future applications. Brandan would like to get back with them on this. He will start drafting a revision.

Adjournment work meeting ended at 7:15pm

Planning Commission Chair

Planning Commission Secretary