



Approved by Planning  
Commission on 8/20/19

**CITY OF MILLERSBURG  
PLANNING COMMISSION WORK SESSION**

4222 NE Old Salem Road  
Tuesday, May 28, 2019  
5:00 p.m.

**Minutes**

- A. CALL TO ORDER: Commission President Jimmie Kirkendall called the meeting to order at 5:25 pm.
- B. ROLL CALL:  
Members Present: Jimmy Kirkendall, Steve Vogler, Dennis Gunner, Connie Lepin, Ryan Penning, Scott Stimpson, and Anne Peltier  
Members Absent: Ed Perlenfein and John Sullivan  
Staff Present: Jake Gabell, Deputy City Recorder; Matt Straite, City Planner; Forrest Reid, City Attorney; John Morgan, Planning Manager; Janelle Booth, Assistant City Manager/City Engineer; and Kevin Kreitman, City Manager.
- C. Presentation by John Morgan. The Planning Commission reviewed the new Land Use Development Code draft with Mr. Morgan, article 4 and the zone map.
- 1) Article 4, Review Procedures
    - i. Review of 4.101, Application Types.
      1. Fence permits were removed throughout, per prior work session decisions.
      2. The table on 4.101.08 will be amended to remove fence permits, and will be reordered to follow how the land use actions are ordered in the code text. The "unless appealed" will be removed from Type I permits.
    - ii. Review of 4.102, Property Line Adjustment
      1. No additional changes
    - iii. Review of 4.103, Home Occupation
      1. Will be adjusted to allow outright permission for home occupations with no employees.
      2. The requirement for review as a conditional use permit will be changed to "Type III review."
      3. A condition will be added to allow only one vehicle to be stored onsite or on an adjacent street per home occupation.
      4. Anything outside of this code would require a Conditional Use Permit.
    - iv. Review of 4.104, Partitions
      1. A provision will be added to address large accessory structures being built then a partition being processed that would make the accessory structure no longer conform to the code.
      2. Janelle Booth, Assistant City Manager/City Engineer, will review the typography requirements for partitions and sub-divisions.
      3. Additional detail was added to the requirements of road interconnectivity with neighboring parcels.

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- v. Review of 4.105, Adjustments
  1. 4.105.04 (D) will be modified to add "minimum lot sizes" to the "adjustments not allowed" list.
- vi. Review of 4.106, Variances; and 4.107, Conditional Use
  1. Discussion and no changes to this draft.
- vii. Review of 4.108, Site Development Review
  1. The title of 4.1408.06 will be modified to read "Decision Criteria".
- viii. Review of 4.109, Interpretations; and 4.110, Nonconforming Uses;
  1. Discussion and no changes to this draft.
- ix. Review of 4.111, Subdivisions and Planned Unit Development
  1. Basic formatting corrections proposed and made.
  2. 4.111.05 (E), 4.111.06 (C) (3), 4.111.06 (F) will be changed to only require the City Manager's endorsement.
  3. 4.111.07, Time Extensions, a provision will be added to allow City Council, with a public hearing, to issue additional time extensions under extenuating circumstances, up to five years.
- x. Review of 4.112, Comprehensive Plan Map Amendment
  1. 4.112.04 (B) will be modified to allow for an exception for an application that is submitted by a City for a City project.
- xi. Review of 4.113, Zone Map Amendment
  1. Discussion and no changes to this draft.
- xii. Review of 4.114, Text Amendments
  1. The fees in this section will be removed.
- xiii. Review of 4.115, Annexations
  1. Discussion and no changes to this draft.
- xiv. Review of 4.201, General Administrative Provisions
  1. 4.201.04, Time Limits, will be further reviewed by staff to consider specific time limits and ensure the code will conform to State law.
- xv. Review of 4.202, Type I Application and Review Procedures;
  1. Appeals will be removed.
- xvi. Review of 4.203, Type II Applications and Review Procedures
  1. Discussion and no changes to this draft.
- xvii. Review of 4.204, Type III Applications and Review Procedures
  1. Time limit changes throughout.
- xviii. Review of 4.205, Type IV Applications and Review Procedures
  1. 4.205.01 (E) and (G) will be modified to remove "and concurred in by the applicant."
- xix. Review of 4.206, Public Hearing Before the Planning Commission
  1. 4.206.02 (H) will be changed to read "Applicant rebuttal."
  2. Changes to 4.206.02 to follow the hearing procedures that the Planning Commission currently follows, or would like to follow.
  3. 4.206.04 will be modified to exclude transcription verbiage.
- xx. Review of 4.207, Review of Public Hearings by City Council
  1. 4.207.01 (A) will be modified to clarify the process for which the City Council would follow to assume jurisdiction of a land use decision.
  2. The same procedures from 4.206 will be added to 4.207 for a hearing with the City Council.

- 2) Review of the map and zone changes.
  - i. Presentation by City Planner Straite on the new zones and the proposed zoning staff recommends.
  - ii. Discussion between Planning Commission and staff regarding the draft zone map.
    1. It was decided to remove the residential medium zone to that was drafted in the Bain Street, Amanda Lane, and Waverly Drive areas. This area will be changed back to Residential Low Density zone.
    2. The Mixed Use Zone on the north end of the City will be expanded west to Morningstar Road.
  - iii. Code update timeline was discussed.
    1. It was decided to have two open house meetings to discuss the zone map changes with the public.
- 3) Meeting adjourned by Commission President Kirkendall at 9:06 pm.

Respectfully submitted:



Jake Gabell  
Deputy City Recorder

Reviewed by:



Matt Straite  
City Planner