

PLANNING COMMISSION
October 15, 2008

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, OCTOBER 15, 2008, AT 7:30 PM IN THE COUNTY MEETING ROOM.

Those present were:

- Davis Lamb, Chairman
- Norman Slezak, Vice-Chairman
- Bill Martin, Member
- Jim Frydl, Member
- Anthony Herring, Member
- Jeri Allen, Ex-officio Member
- Bart Svoboda, Planning Director
- Stephanie Golon, County Planner
- Shawn Leake, Zoning Officer

Mr. Lamb called the meeting to order. He asked that those who wished to speak regarding the public hearings sign up on the appropriate sheets.

PUBLIC HEARING

Alann Enterprises, Inc. /8764 Seminole Trail, LLC request a special use permit for an indoor recreational facility on a 4.56 acre tract which is zoned B-3, Business, located on Seminole Trail and identified on County Tax Maps as 60C-(A)-30A. (SUP#08-004)

Mr. Lamb read the request and asked Mr. Svoboda for a report.

Mr. Svoboda reviewed the request noting that the applicant can currently operate a retail sales business adding that this use, indoor recreational facility, would be in conjunction with the existing retail use. He reviewed the location and site plan of the property and comments from other agencies. He added that the Comprehensive Plan would support this type of business. He reminded the Commission that Special Use Permits are legislative in nature and that uses allowed by special use permits are considered to have a potentially greater impact than those allowed as a matter of right. He added that the retail use is a by-right use and that any conditions to the special use permit would only apply to the indoor recreational facility only. He stated that staff recommends approval with the following conditions:

1. Building Code and Zoning requirements shall be met.
2. Outdoor amplification shall not be permitted.
3. No alcohol use or sale on premises.

Al Boerner, applicant, addressed the Commission. He stated that he plans on providing family entertainment offering something for everyone. He added that his business had been previously located in Pantops Shopping Center.

Mr. Lamb opened the public hearing.

There being no public comments, the public hearing was closed.

Mr. Slezak reported that a site visit had been made to the property. He gave an overview of the business and game room locations within the building as well as their proximity to surrounding neighbors.

There was discussion regarding other types of businesses located on the same property, noting that the property is along the lines of a small shopping center. There was also discussion regarding all activities being held within the business and no outside activities allowed. Advertising, signage, tournaments, hours of operation, etc. was also discussed.

Mr. Slezak made a motion to recommend approval of SUP#08-004 with the following conditions:

1. Building Code and Zoning requirements shall be met.
2. Outdoor amplification shall not be permitted.
3. No alcohol use or sale on premises.

Mr. Herring seconded the motion.

The vote was taken.

AYE

Mr. Martin
Mr. Slezak
Mr. Frydl
Mr. Herring
Mr. Lamb

NAY

The motion to recommend approval of SUP#08-004 carried by a 5-0 vote.

Randolph & Marsha Gibson request a renewal of special use permit SUP#04-722 for a manufactured home on a 5.00 acre tract, which is zoned A-1, located on Echo Lane and identified on County Tax Maps as 20-(A)-31A. (SUP#08-005)

Mr. Lamb read the request and asked Mr. Svoboda for a report.

Mr. Svoboda reviewed the request noting that the request is a renewal of a previous approval for a hardship manufactured home. He added that documentation from the physician addressing the hardship was included in the information packet. He stated that the request seems to meet the hardship criteria. He added that any conditions from the previous approval would continue to apply. He stated that the use does create a non-conforming density on the parcel but noted that it is allowed due to the hardship. He added that staff recommends approval of the request with the following condition:

1. The special use permit renewal is valid for three years from the

date of the approval by the Board of Supervisors.

In the interest of full disclosure, Mr. Martin announced that he is the president of the Cedar Lakes Homeowners Association. He noted that two of the listed adjoining property owners are in the association. He added that he found no need to recuse himself but wanted to make the connection known.

Mr. Lamb opened the public hearing.

There being no public comments, the public hearing was closed.

Mr. Frydl stated that a site visit was made. He gave a brief overview of the parcel, visibility, and topography.

There was discussion regarding the timeline for hardship approval.

Mr. Slezak made a motion to recommend approval of SUP#08-005 with the following conditions:

1. The special use permit renewal is valid for three years from the date of the approval by the Board of Supervisors or until the hardship ceases whichever occurs first.

Mr. Frydl seconded the motion.

The vote was taken.

AYE

Mr. Herring
Mr. Frydl
Mr. Slezak
Mr. Martin
Mr. Lamb

NAY

The motion to recommend approval of SUP#08-005 carried by a 5-0 vote.

Robert Akers/Stacy & Christina Roach request a special use permit for a church on a 3.53 acre tract which is zoned A-1, Agriculture, and R-1, Residential, located on Monte Vista Lane and identified on County Tax Maps as 38-(A)-70. (SUP#08-006)

Mr. Lamb read the request and asked Mr. Svoboda for a report.

Mr. Svoboda reviewed the request noting the location of the site and stating that agency comments were included in the information packet. He added that a building & zoning permit was applied for on October 24, 2007 for a 792 square foot metal utility shed which from that point the use became a church use which is allowed by special use permit in that zoning district. He reminded the Commission that the Comprehensive Plan does not directly address churches.

He reviewed the maps, photographs, and sketches of the site. He added that the existing entrance is adequate. He noted that the request is in general harmony with the neighborhood. He stated that staff recommends approval with the following conditions:

1. Building Code and Zoning requirements shall be met.
2. Applicant shall apply for a change of use building permit in order to indicate the structure as a church rather than a shed.
3. A site plan shall be submitted and approved for this application.
4. The church may congregate on Tuesday, Wednesday and Saturdays only as requested by the applicant.
5. The hours of operations shall be limited to 7 pm to 10 pm as requested by the applicant.
6. The capacity shall be determined by the square footage as stated by the Building Official.
7. The applicant shall provide a permanent structure for sanitation as stated by the Building Official.

Robert Akers, minister, addressed the Commission. He explained that the church operates independently and likes to meet occasionally to be a blessing to one another and the community. He added that they would like to purchase a piece of property in the future to build a church.

Mr. Lamb opened the public hearing.

The following citizens addressed the Commission voicing their support for the church, giving testimony of blessings, and an invitation to the public was given:

- Mary Powell
- Floyd Henshaw
- Emogene H. Baugher
- Ella Morris

There being no further public comments, the public hearing was closed.

Mr. Slezak gave a brief report regarding his site visit to the property.

Mr. Martin asked if other issues regarding the site had been reported aside from the original zoning complaint.

Mr. Svoboda stated that there had not been other reports.

There was discussion regarding the site plan approval process for the request including the review of transportation, parking, etc.

There was discussion regarding church services, attendance, lighting, inclement weather, parking, and traffic.

There was discussion regarding condition #4 and #5. It was determined that they could be eliminated as they may be too restrictive for this use or future uses.

There was discussion regarding sanitation needs on site.

There was discussion with the applicant regarding condition #4 and #5.

Mr. Slezak made a motion to recommend approval of SUP#08-006 with the following conditions:

1. Building Code and Zoning requirements shall be met.
2. Applicant shall apply for a change of use building permit in order to indicate the structure as a church rather than a shed.
3. A site plan shall be submitted and approved for this application.
4. The capacity shall be determined by the square footage as stated by the Building Official.
5. The applicant shall provide a permanent structure for sanitation as stated by the Building Official.

Mr. Herring seconded the motion.

The vote was taken.

AYE

Mr. Martin
Mr. Slezak
Mr. Herring
Mr. Frydl
Mr. Lamb

NAY

The motion to recommend approval of SUP#08-006 carried by a 5-0 vote.

Mr. Svoboda explained the Commission recommending process and the process for the future development of the site.

Greene County Zoning Ordinance Revision: Revise “Equine Uses” in the A-1, Agriculture zoning districts and all applicable references (OR#08-005)

Mr. Lamb read the request and asked Mr. Svoboda for a report.

Mr. Svoboda reviewed the request noting that the applicant did not submit specific language for the revision but added that staff had met with them regarding the proposal. He stated that the current zoning ordinance requires a minimum of five acres for equine uses and that the request is to allow the uses on a minimum of two acres by-right or by a special use permit. He added that the language was included in the information packet. He reviewed the language and the proposed uses. He stated that this revision would not regulate production agriculture.

There was discussion regarding the current ordinance and the use of animal units.

Don Sutton, applicant, addressed the Commission. He stated that they are requesting the change for by-right or special use permit equine uses on smaller tracts. He added that the current language is the most restrictive in the area. He stated that they believe that this revision would be in accordance with the Comprehensive Plan. He noted the revision would allow home owners associations the flexibility to allow these types of uses in conjunction with the county. He added that the property that he recently purchased was marketed to him as a horse property when it is not in accordance with the current zoning ordinance. He stated that he had a letter from the neighbors supporting the revision and photos of the property if they are needed.

Mr. Lamb opened the public hearing.

The following citizens addressed the Commission voicing their support for the revision and proposing non-conforming status availability:

- Neil Williamson
- Shawn Hayes

There being no further public comments, the public hearing was closed.

Mr. Frydl gave an overview of the site visit to the Sutton property. He restated that the property was visited because the Suttons are the applicant for the revision but noted that the revision would apply to property countywide. He added that the Sutton property was attractive.

Mr. Slezak agreed.

There was discussion regarding the proposed language, minimum lot size, the number of horses, etc., the inclusion of other animals, residential development impacts, by-right uses versus special use permit uses, enforcement, and home owners' covenants and restrictions.

There was discussion regarding the deferral of the request to the next meeting. The applicant requested that if a deferral was made that the request be heard in December as he would be out of town in November.

Mr. Herring made a motion to defer OR#08-005 until the December 17, 2008 meeting.

Mr. Slezak seconded the motion.

There was discussion on the motion regarding the request of deferral.

Mr. Svoboda clarified the motion as a motion to accept the applicant's request to defer OR#08-005 until the December 17, 2008 meeting.

The vote was taken.

AYE

Mr. Herring
Mr. Frydl
Mr. Martin
Mr. Slezak
Mr. Lamb

NAY

The motion to accept the applicant's request to defer OR#08-005 carried by a 5-0 vote.

OLD/NEW BUSINESS

The by-laws were mentioned and discussion was therefore moved from Other Planning Matters to Old Business. There was discussion and clarification regarding the two-thirds vote requirement.

Mr. Slezak suggested that Ray Clark's title, County Attorney, be used in the by-laws.

The Business Zoning Districts were mentioned and discussion was therefore moved from Other Planning Matters to Old Business. There was discussion regarding definitions of uses, assignment of districts, etc. It was determined that a work session be held at 6:30 pm prior to the December Planning Commission meeting.

APPROVAL OF MINUTES

The minutes for the September 17, 2008 meeting and work session were approved as submitted by a 5-0 vote.

OTHER PLANNING MATTERS

Proposed PC By-laws for Adoption

This item was discussed under Old Business.

Review and Discussion of Business Zoning Districts

This item was discussed under Old Business.

There was an update and discussion regarding the Comprehensive Plan review.

Mr. Slezak reported on the Land Use conference that he attended recently.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley, Secretary