

PLANNING COMMISSION
February 18, 2009

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, FEBRUARY 18, 2009, AT 7:30 PM IN THE COUNTY MEETING ROOM.

Those present were:

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

Jim Frydl called the meeting to order.

DETERMINATION OF QUORUM

The Chairman took a roll call to establish a quorum.

PUBLIC HEARINGS

There were no public hearings.

OLD/NEW BUSINESS

Mr. Frydl stated that he would like to separate Old/New Business for staff and Commission members, adding that staff comments would be heard now and Commission comments would be heard later.

Mr. Svoboda stated that most staff comments would be covered under Other Planning Matters as he was unsure of any cases for the March meeting. He added that there had been cases filed for the April meeting. He reminded the Commission that there would be a Comprehensive Plan Work Shop on March 31, 2009.

APPROVAL OF MINUTES

The minutes for the January 21, 2009 meeting were approved with edits submitted by Bill Martin by a 5-0 vote.

OTHER PLANNING MATTERS

Hidden Glen—Planning Commission Appeal #08-006

Mr. Svoboda reviewed the applicants request for Planning Commission Appeal #08-006 for an extension for preliminary plat approval for SDV#06-099, Hidden Glen, for three years. He explained that the approximately 101 acre property is located on Celt Road and is zoned A-1, Agriculture. He noted that the property is identified as 48-(A)-38A, 38A2, and 38C. He noted that staff does not object to the approval of the extension.

There was discussion regarding the effective date of the extension if approved. It was determined that the extension would be effective from the date of approval not the date of request.

There was also discussion regarding the criteria for Planning Commission review of subdivisions.

Mr. Lamb made a motion to approve Planning Commission Appeal #08-006 requesting a three (3) year extension for the Hidden Glen property.

Mr. Martin seconded the motion.

The vote was taken.

AYE

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

NAY

The motion to approve Planning Commission Appeal request #08-006 carried by a unanimous vote.

Business Districts

Mr. Svoboda reviewed the Business Districts in ordinance format and list/chart format. There was discussion regarding several uses such as garden center vs. nurseries, retail shops, and drug store vs. pharmacy. There was also discussion regarding the duplication of some uses in B-1 and B-2, the definitions of uses to reduce redundancy and confusion, the clarification of terms and definitions such as churches, general stores selling gasoline vs. convenience stores selling gasoline, and permanent vs. temporary farmers markets. There was also review of the possibility of listing night clubs

Mr. Frydl asked if there were any other comments from the Commission.

Mr. Lamb stated that staff had done a fine job in compiling this revision.

Mr. Slezak stated that great effort had been taken in making these revisions but added that it may have missed the mark. He noted that the revisions may not meet the intent of the B1 district as described in the ordinance, noting that practically everyone requesting a rezoning wants to have B-3 zoning. He added that a tremendous amount of effort was put into the revisions but noted that he is not sure that they can be followed through on.

Mr. Svoboda explained that the current Comprehensive Plan revision should allow better design of the zoning districts, noting that less intense uses were previously placed too high in the districts, thus the ordinance revision. He stated that originally the revision plan was to correct those placements but added that it became a complete revamp of the ordinance.

Mr. Slezak stated that he has some difficulty in understanding how the two are interpreted, in that, the Zoning Ordinance is the law and the Comprehensive Plan is a guide. He asked how one would request to split zone for an appropriate property.

Mr. Svoboda explained that split zoning is allowed as long as measurable points are used to determine the zoning lines.

Mr. Slezak asked if a transition area could be requested during a rezoning.

Mr. Svoboda explained that conditions cannot be requested during a rezoning but could only be offered by the applicant. He added that the Commission could state that they cannot approve the request with the intense uses based on the Comprehensive Plan designation but that they would consider lighter uses near residential areas. He gave the example of a PUD, Planned Unit Development.

Mr. Frydl asked if there would be a creation of many non-conforming uses by moving retail shops from B-1 to B-2.

Mr. Svoboda stated that he was not sure but he would not anticipate many.

Mr. Frydl suggested that, since the most requested uses for rezoning to B-3 are hotel, motel, convenience store, and possibly night clubs, those uses might be added as allowed by special use permit B-2 in order to encourage more B-2 zoning areas as opposed to B-3.

Mr. Svoboda stated that the suggestion could be carried out but recommended limiting the specific uses to be included.

There was consensus agreement.

There was discussion regarding the special use permit process, noting that the

Commission can request and require conditions during a special use permit request.

After concluding their discussion, it was determined that the Business Districts revision would be scheduled for public hearing in March or April.

Comprehensive Plan Discussion

Mr. Svoboda reviewed an update of the comments from the Comprehensive Plan workshops as well as other information from those meetings. He added that there will likely be a posting of the work shop notes on the Thomas Jefferson Planning District Commission (TJPDC) web site soon.

Mr. Slezak asked if the public would have access to the additional information as well.

Mr. Svoboda stated that it was his understanding that the information would be posted on the TJPDC web site for public access also.

The Commission reviewed the draft vision statement for the proposed Comprehensive Plan.

Mr. Martin stated that he prefers that a vision statement be short, concise, and without bullets. He noted that as vision statements go, this one seems a bit obtuse. He stated that the words are there but the format is lengthy. He added that normally, a vision statement consists of one or two sentences. He mentioned that he was concerned about the phrase "all means of travel". He added that the first sentence is a good vision statement.

Mr. Svoboda explained that the group had tried to incorporate all ideas by using the bullets instead of commas.

There was discussion regarding the struggle with incorporating the ideas and the wordsmithing of the statement.

Mr. Slezak noted that two bullets had been added since the previous statement addressing supporting existing businesses and encouraging tourism. He added that he is in favor of both bullets, having no objection to either. He also suggested that "all means of travel" be replaced by "offering various modes of travel".

Mr. Lamb asked what is meant by the term "protect" and also noted that the phrase "enjoyed by its residents" seems limiting.

Mr. Svoboda explained that "protect" was being used in reference to the quality of life in the county and he added that he is open to suggestions to revise the

phrase “enjoyed by its residents” to be more inclusive or any other suggestions that are offered.

Mr. Herring suggested that “preserve” may be a better word choice instead of “protect” as it gives a more positive impression.

Mr. Frydl suggested that “current and future” be added prior to the word “residents” in the phrase “enjoyed by its residents”. He added that the statement seems redundant in some areas and alludes to some sensitive areas.

There was discussion on the phrases “pace and place” and “encouraging and coordinating” and the best option for the statement. It was suggested that “pace and place” be stricken.

Mr. Martin stated that he liked the word “preserve” as opposed to “protect”. He added that he believed that “current and future” are not needed as residents would include all residents whether current, future, or past residents. He explained that he found “pace and place” less offensive than “encouraging and coordinating” and that “pace and place” was an important element that he heard from the citizens. He noted that he believed that the role of the Planning Commission is to look at the Comprehensive Plan and the Ordinances to help determine the place that development will occur and positively effect the pace and type of development for the citizens.

Mr. Frydl stated that he believes that by coordinating, the Commission is fulfilling their mission and controlling the pace and place as the ordinances and Comprehensive Plan allows.

There was discussion regarding the phrases “pace and place” and “encouraging and coordinating” and the message gained by the reader as the statement is somewhat of a marketing statement as well. The inclusion or removal of the bullets was discussed also. It was pointed out that professionals will be reviewing the comments and wording the statement appropriately.

By-laws Discussion

Mr. Svoboda stated that he and Mr. Slezak had reviewed the conflict of interest and the majority vote issues related to the by-laws. He added that information had been provided in the packet to address these issues. He noted that after speaking with Ray Clarke, he advised that the county attorney reference be removed as it would dictate that you could not seek your own counsel. Mr. Svoboda added that “with” had been omitted in regard to being familiar with the conflict of interest act. He reviewed the information that was included in the packet in reference to the State Code information in regard to the conflict of interest and majority vote issues.

Mr. Slezak asked why the statement addressing the process of stating a potential conflict was omitted from the language.

Mr. Svoboda explained that he had spoken with legal counsel, Ray Clarke, who advised removing it as that language is covered within the State Code legislation.

There was discussion regarding that omission and the State Code legislation.

After the discussion and clarification, Mr. Svoboda stated that the approved bylaws would be amended as discussed, signed by the Chairman, and distributed to the members.

New Business from Commission

Mr. Frydl stated that new thoughts and new ideas are encouraged; however, when speaking from this position, we must speak as a Commission. He added that in the future, any requests for actions, communications, or thoughts to be shared should be stated briefly and explained, and then it could continue with approval from the entire Commission before pursuing that idea.

There was no new business from the Commission.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley
Secretary