

**Planning and Development Committee
Meeting Minutes for March 16, 2017**

Members Present:

Brad Maxwell, Chairman
Nick Petrillo
Larry Trucano
David Michael
Philip Chapman
Ray Wesley
Mick Madison
Robert Pollard

Members Absent:

None.

Others Present:

Matt Brandmeyer
Andi Yancey
Breana Lamb
Chris Doucleff

Call of Meeting to Order and Roll Call:

Chairman Brad Maxwell called the regular meeting of the Planning and Development Committee to order at 5:00 p.m.

Approval of Minutes:

Mr. Pollard made a motion to approve the minutes from March 2, 2017. Seconded by Mr. Wesley. Voice vote. All ayes. Motion approved.

Zoning Petitions and Subdivision Overview:

Mrs. Yancey introduced the zoning petition for CJD E-cycling Inc. requesting a special use permit for continued placement of a double-wide mobile home for new occupants, Kenna and LeVell Sumpter at 1313 1st Street in Cottage Hills. Mrs. Yancey indicated that the Zoning Board of Appeals (ZBA) recommended approval.

Mrs. Yancey introduced the zoning petition for Lee and Susan Baruxen, requesting a special use permit to replace the existing mobile home with a new single-wide mobile home on site for their occupancy at 1304 3rd Street in Cottage Hills. ZBA recommended approval.

Mrs. Yancey discussed the Deerfield Subdivision. The request is for a re-subdivision of land by changing Lot 9 to Outlot 4 because Lot 9 was determined to be unbuildable. This was a request by Deerfield Subdivision's Home Owners Association because they want to change the property tax assessment for that parcel.

Mr. Madison asked if someone wanted to buy the property and build on it, would be changed back to a lot. Mrs. Yancey indicated yes, it could be reconfigured.

Citizens Wishing to Address the Committee:

None.

Unfinished Business:

Resolution Z16-0079, petition of Arbon Hairston and Denise Lutes, requesting a variance in order to construct a fence in the front yard setback that will vary in height between five (5) and eight (8) feet instead of the allowable four (4) feet is postponed until the June 1st meeting for pending court action.

New Business:

Mr. Michael made a motion to approve Resolution Z17-0005, petition of CJD Real Estate, requesting a special use permit in order to continue placement of a double-wide mobile home on site for the sole occupancy of Kenna and LeVell Sumpter for a period not to exceed five years. Seconded by Ray Wesley. Voice vote. All ayes. Motion approved.

Mr. Wesley made a motion to approve Resolution Z17-0008, petition of Lee and Susan Baruxen, requesting a special use permit in order to place a single-wide mobile home on site for the sole occupancy of Lee and Susan Baruxen for a period not to exceed five years. Seconded by Mr. Madison. Voice vote. All ayes. Motion approved.

Mr. Wesley asked how the Deerfield Subdivision Home Owners Association determined that the lot was not buildable. Mr. Brandmeyer stated that the property has a steep slope.

Mick Madison made a motion to approve the Deerfield Subdivision – Re-subdividing in order to change Lot 9 to Outlot 4. Seconded by Mr. Trucano. Voice vote. All ayes. Motion approved.

Mr. Brandmeyer introduced the text amendments to the zoning ordinance. Mr. Brandmeyer stated that the zoning ordinance and zoning petitions are reviewed annually by staff to determine if there are any sections in the ordinance that need revised and if there are any zoning petitions that are consistently requested and approved. Mr. Brandmeyer stated that when he started his position with the County, the department was doing 150 zoning petitions and now there are around 50.

Mr. Brandmeyer stated that staff is requesting to add “landscaping services” as special use in Agriculture districts. It would be for lawn care businesses and would not include the retail element but it would consist of storage of equipment. Their staff would report to the business during the first part of the day and return at the end of day. Mr. Brandmeyer stated there have been a lot of requests for this type of use within Agriculture districts throughout the past few years.

Mr. Chapman said that to him, landscaping services involve bricks, rock, and fountains, he inquired if this use would be for both lawn care and landscaping services. Mr. Brandmeyer stated that it could include that but it would not have the retail element but materials could be stored on site.

Mr. Wesley asked what staff has done in the past for these businesses. Mr. Brandmeyer indicated that they have asked to rezone to a business district which is strongly discouraged because it does not meet the Comprehensive Plan standard and it is considered spot zoning which is hard to defend legally. Mr. Madison said that he understood one of the issues is the commercial zoning could allow a much wider range of uses that may not be compatible with the area. Chairman Maxwell stated that we have denied a lot in the past which prohibits the development.

Chairman Maxwell asked if the Committee was going to assign hours of operation to these businesses to avoid conflict with neighbors about noise since there were issues in the past regarding noise. Mr. Brandmeyer stated they would propose a minimum lot size and separation distances from adjoining property owners. There could be trees planted as buffers and hours of operations could be part of the Special Use Permit. A discussion ensued about potential lot size and hours of operation for the landscaping services special use.

Mr. Madison indicated he would rather have the use as a special use in the Agriculture district if it is needed than not have the use at all. Chairman Maxwell stated that they should discuss the 10 acres that Mr. Brandmeyer stated as the minimum lot size and noted that the special use permit can always be modified.

Mr. Brandmeyer stated that the hearing is already scheduled for the text amendment and someone has already applied for this special use. Mr. Brandmeyer stated that there will be language to present to the ZBA and then it will return to Planning and Development Committee at the next meeting.

Mr. Madison asked if there were issues with adjoining property owners of someone who is requesting the landscaping business, that there could be a compromise and the special use could be amended to resolve the issues. Mr. Brandmeyer stated that was correct. Chairman Maxwell stated that the Committee has the ability to add and remove stipulations associated with the special use permit.

Mr. Brandmeyer introduced a text amendment for the minor bulk variance. Mr. Brandmeyer discussed the details of the minor bulk variance and asked the Committee if they would be interested in increasing the percentage from 10% to 20%.

Mr. Wesley asked if there is a specific reason why setbacks, height, property width requirements were created and if there would be issues by changing the percentage. Mr. Brandmeyer stated that a lot of the requirements are standard regulations based on research of other areas and standards tend to evolve locally through need and public input.

Mr. Chapman stated he agrees with Mr. Wesley's question and wants to know if there are any safety concerns with allowing applicants to deviate from the regulations by 20%. Mr. Madison stated that every situation will be different. Mr. Brandmeyer stated that building code requirements would be enforced for safety purposes.

Chairman Maxwell stated that variances within the 10% should be minimal where they do not need to be reviewed but anything above that should be reviewed. A discussion ensued about issues of approving variances within 20% of the stated requirements. Mr. Wesley asked how many we would be approving and if it is worth the risk to do so. Mr. Brandmeyer stated that approximately 10 would have moved forward in the past year. Mr. Wesley asked if increasing it 10% would have much of an impact. Mr. Brandmeyer stated that it would not have much of an impact but I would save about 5 to 10 variances a year.

Mr. Madison stated that he would rather support property rights than impose additional rules on property owners. Mr. Brandmeyer stated that it is more about the process of variances as well as the cost. There are a lot of steps to go through for a variance that often intimidates people. Mr. Brandmeyer stated the variance process could be amended to be a shorter process. The Committee stated they would be interested in looking into shortening the variance process.

Mr. Michael asked how many variances are denied. Mr. Brandmeyer stated he could not remember the last time one was denied. Mr. Michael stated that it is just a formality then. Mr. Brandmeyer stated that the process is very common.

Mr. Brandmeyer stated that staff would like to clean up the building materials section. Mr. Brandmeyer also stated that staff would like to remove the prohibition on the storage of unlicensed and inoperable vehicles from our commercial and industrial districts because there are different types of auto repair businesses where it becomes an issue. Mr. Brandmeyer stated that the swimming pool section needs to be cleaned up because it contradicts our accessory structure section. Staff would also like to clean up any typos and misspellings throughout the zoning ordinance. Lastly, the M-3 District, does not mention the allowance of all uses within M-1 and M-2 Districts. This is a common theme throughout our B and M Districts. It increases the allowed uses as the number associated with the District increases.

Mr. Chapman asked if it is common practice that a permitted use in M-1 can be permitted in M-3. Mr. Brandmeyer stated that is the case.

Mr. Chapman asked if the materials that Trent Long brought in are allowed. Mr. Brandmeyer stated that how the code reads now accessory buildings can have a metal exterior except in R-2 through R-4 districts. Mrs. Yancey stated that you may have metal roof and metal siding on single-family dwellings but not on accessory structures. Mr. Chapman said to clarify, staff will be cleaning up the language. Mr. Brandmeyer stated that was the case.

Mr. Michael made a motion to approve the Request to Move Forward with a Public Hearing for a Text Amendment to the Zoning Ordinance with the Exception of Item 2. Seconded by Mr. Chapman. Voice vote. All ayes.

Administrator's Report:

Mr. Brandmeyer stated that the department had conducted a review of building permit fees for single-family dwellings within various municipalities and the County. It was determined that the primary factor in the fee differential was the tap-on fees. Mr. Brandmeyer stated that Madison County has the lowest permit fee when compared to the Metro East area. Mr. Chapman asked why the permit fees were reviewed. Mr. Brandmeyer stated that it has an impact on our growth as far as where people build and that the locations with high fees are pushing people developers away. Mr. Michael asked if municipalities are making money on the permit fee. Mr. Brandmeyer stated that an administrative fee should be assessed to pay for the services that are being used for the permit. Mr. Brandmeyer stated that Madison County does not make money on permit fees. A discussion ensued about building permit fees in the Metro East and development.

Adjournment:

Ray Wesley made a motion to adjourn the meeting. Seconded by David Michael. Voice vote. All ayes. Motion approved. Meeting adjourned.