

APC MINUTES**OCTOBER 17, 2017**

Members present: Adrian Moulton, Paula Keister, John Reece, Don Calhoun, Gary Girton, Dan Vinson, Jim Hufford, Bryn Albertson

Members absent: Rex Amburn, Andy Fahl, Bob McCoy, Leesa Friend, Amy Alka

Legal Representation: Jason Welch

Staff Present: Randy Abel, Executive Director, Debra Johnting, Recording Secretary

Others present: Ed Thornburg

President Calhoun opened the October 17, 2017 meeting of the Area Planning Commission at 7:00 pm. We'll go ahead and get our meeting started. Does everybody have a copy of the minutes from the last meeting? Is there any corrections or questions about the minutes? Seeing none I will take a motion to accept the minutes as written. It has been moved and seconded that we accept the minutes of the September 19, 2017 meeting. All those in favor say aye, all those opposed no. Motion passes. [Petitioner Jack Wright is not present]. Do we want to go on to discuss our amendments? And see if Jack gets here?

R. Abel: Let me pass these out, we have changed them a little bit. Actually we can't vote on them tonight because it was not in the paper.

D. Johnting: They were really sorry for the mistake, and promised it would be in next month.

J. Hufford: You know they changed the time for submission to 7 days.

R. Abel: Ok, amendment 1 is adjusting the height of commercial MET towers. Most of them want to have that height to be the height of a windmill. Most of those are around 300 to 310 feet, so that's why we made it 325 feet for the height. And that way they don't have to come back for a variance every time they are going to put a MET tower up. Most of the MET towers being put up in the county, like next month we are permitting one that had already been approved through the wind farm. But before a wind farm comes in a lot of times they want to come in and put a MET tower up to test the wind so that's what that's for. And proposed amendment number 2, is to take care of problems like the one we are having tonight. So a person who has a C-3 with a house on it, can build on it, just like a residential lot.

D. Vinson: So that's the proposed amendment?

R. Abel: Number 2. It's just going to be a footnote on the wording in the ordinance. So, if it's a lot that is empty, obviously you won't be able to build on it, if it is a C-3, but if there is an existing house on that C-3 we'll be able to treat it just like residential property.

D. Vinson: Without having to change zoning?

R. Abel: Exactly, without having to rezone. And that will go too, on into the M-1 and M-2, because M-1 says anything in C-3, and M-2 says anything in M-1....and we do have houses there.

D. Vinson: Well, we've got some.

R. Abel: Yes, that follows the same rule. We hope this takes care of some of the problems. I know Winchester and Union City both have a lot of properties that are C-3.

D. Johnting: And the homeowners didn't set out to be a C-3, they didn't have a hearing, and didn't endeavor to do that, so they walk in, they have this small house and just want to put a front porch on it and they find out they have to go through rezoning a house that they didn't want to be commercial in the first place. It should have been residential, the house has probably been there 100 years. This way they can add a front porch without rezoning.

J. Hufford: So, in a C-3, if the house has been converted over to a business of some sort, can they still live in that house with the business, because I thought there was an exception that they weren't allowed to live in a business.

J. Welch: It has to be a permitted use already, so you have to already be living in the house as of January 1, for this exception to apply. So if it's changed over to a business, and nobody is living there as of this date, you can't go back.

R. Abel: If you're living there and you want to have a home occupation, it would follow along with residential requirements for a home occupation.

J. Hufford: Even in a C-3.

R. Abel: Well, yeah because we will treat it just like it's residential. And in the last part of that gives me a little bit of discretion depending on where that C-3 is located whether or not I apply strict setback rules because some of those have setback rules of 5 feet, but zero setbacks for C-3. So we need a little discretion on whether to enforce the setbacks or not.

D. Johnting: And in some of those they'd also have to get a variance because they are too close to the line--after they change the zoning. They say, I want to spend \$200 and put on a front porch, I am just not going to mess with it.

R. Abel: If anybody thinks of any little problems that we have, since we are having to put this off for another month, we can add a few more amendments if we see more problems. Things like this are really pretty quick fixes if we recognize there's a problem. This will really benefit our time because we spend a lot of time doing variances and things like this are really kind of a no brainer.

J. Welch: Someone can't improve their neighborhood the way it is now, because they can't make changes to their home, and this will allow them to make changes to improve the neighborhood without rezoning. So, that's the purpose of this, so that they can make improvements if necessary without having to rezone in the process.

R. Abel: The second sheet I handed out here was, I just thought you should be informed, they are going to come to us sometime in January for a PDRS for apartments. And these apartments are located between Main and Residence Street off of 5th Street. It's right beside the park. It's really a good location--I couldn't even believe that land was available. So we have an investor willing to put some apartments in. And I believe what they are going to do is put the first six closest to the road, and when those are full they will build the second six, and when those are full they will go ahead and build the road. And then after that time they will complete the rest of it. Do it in phases.

J. Hufford: So, it's going to be a pretty good size complex.

R. Abel: Yes, right now I think they got their drainage approval, right Ed? Monday they went and got their drainage approval?

E. Thornburg: No, that was for their other property. But I don't anticipate a problem, you'd be hard pressed to make water stand on that lot.

R. Abel: Oh, right, that was for the storage units. Anyway, they will come back to us with more details.

D. Vinson: Is this down by Bill Monroe's house?

D. Johnting: Yes, behind the Losh property.

D. Vinson: That all drains toward the creek anyway, right?

E. Thornburg: Yeah, they will have to put in a retention basin, which they've got on the plan here, but it will all drain right through the park to Salt Creek. They are planning this the same way as the storage building that we had the meeting for on Monday. The same way they're going to build it, in phases. I did ask them for the drainage plans for the final development, not the beginning development, because there's no reason to revisit that--and the rules could change.

R. Abel: Can we continue the Wright hearing next month? Since we are going to have a hearing to vote on the amendments? So, we'll make a motion to revisit it next month? So, anybody who was sent notice would have been here and would hear that the hearing was continued to next month.

J. Hufford: I will make that motion.

President Calhoun: It has been moved and seconded to continue the Wright petition to next month. All those in favor say aye, all those opposed. Motion passes. If there's no other business, I will entertain a motion for adjournment. Thank you for coming tonight, just sorry we couldn't get more done.

President, Don Calhoun

Vice President, Bob McCoy

Secretary, Dan Vinson

Recording Secretary, Debra Johnting