

FRANKLIN COUNTY PLANNING COMMISSION

PUBLIC MEETING MINUTES

6:30 P.M., JANUARY 21st, 2016 AT THE COUNTY COMMISSIONERS MEETING ROOM
FRANKLIN COUNTY ANNEX

ATTENDANCE:

MEMBERS: J. Peckham, Chair; L. Thurston; S. Valencia, L. Stewart, D. Stottlemire, L. Spencer, K. Jones and R. Bowers were present. R. Welton was excused.

STAFF: Larry D. Walrod, Planning Director and Deann Farrell were present

COMMISSIONERS: None were present.

ADMINISTRATOR: None were present.

CO COUNSELOR: D. Brown was present.

PUBLIC: Six (6) people signed in. Sign-in list is part of the official file copy located in the Planning Office.

NOTES: Chair called the meeting to order at 6:30 p.m.

GENERAL BUSINESS:

ADOPTION OF THE AGENDA: Chair asked if there were any amendments to the January 21st, 2016 Agenda. Staff stated there were none. Chair asked for a motion. L. Stewart made a motion to accept the agenda of January 21st, 2016 as presented. The motion was seconded by K. Jones. The Chair called for voice vote. All voted in favor. The agenda was approved 8-0 as presented.

APPROVAL OF MINUTES: December 17, 2015 Public Meeting

NOTES: Chair asked if there were any corrections to the December 17, 2015 Public Meeting Minutes. There were none. Chair asked for a motion. L. Stewart made a motion to approve the minutes of the December 17, 2015 Public Meeting as written. The motion was seconded by K. Jones. The Chair called for voice vote. The minutes were approved 8-0 as written.

COMMUNICATIONS: Staff stated that the only communications were related to a matter that is on your agenda later this evening.

EX PARTE COMMUNICATIONS: There were none.

PUBLIC MEETING ITEMS:

1. *Rescinding Planning Commission Resolution #10-2008 and accepting the withdrawal of Rezoning Application #0803-830 (Hollingsworth). Said property is located at the intersection of Woodson Road and Alabama Road, on the South side of Woodson Road and on the East side of Alabama Road, in the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section 32, Township 15 South, Range 19 East.*

Staff Presentation: The Chair opened Staff Presentation. The Planning Director stated that this is a consideration to rescind a previous action that was taken by the Planning Commission at your regular meeting of April 17th, 2008 with a recommendation to the County Commissioners for approval. That recommendation has been pending since the approval done back in 2008. Since Staff never received an appropriate legal description, it has been unable to be forwarded to the County Commissioners for final action. After meeting with the applicant, it was decided that Mr. Hollingsworth no longer wants to pursue the rezoning request. The request had been to rezone approximately 15.00 acres from the A-1 (Agriculture) Zoning District to the R-E (Residential Estate) Zoning District and the remaining approximately 25.00 acres from the A-1 (Agriculture) Zoning District to the A-2 (Transitional Agriculture) Zoning District. The applicant has decided to withdraw the application and there would be no further action required and we request that the Planning Commission adopt the resolution rescinding your previous recommendation. The Chair closed Staff Presentation.

Applicant Presentation: The Chair opened Applicant Presentation. There were none. The Chair closed Applicant Presentation.

Public Comment: The Chair opened Public Comment. There were none. The Chair closed Public Comment.

Board Discussion. The Chair opened Board Discussion. There were none. The Chair closed Board Discussion.

The Chair asked for a motion. S. Valencia made a motion to rescind Resolution #10-2008 and accept the withdrawal of rezoning application #0803-930 (Hollingsworth). Said property is located at the intersection of Woodson Road and Alabama Road, on the South side of Woodson Road and on the East side of Alabama Road, in the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section 32, Township 15 South, Range 19 East based on Staff recommendations. The motion was seconded by L. Stewart. Chair called for a roll call vote.

Welton	Excused	Spencer	Yes	Peckham	Yes
Thurston	Yes	Stewart	Yes	Jones	Yes
Valencia	Yes	Bowers	Yes	Stottlemire	Yes

Motion carried 8-0.

2. *Consider modification or revocation of Special Use Permit Application #1506-1353 (Martin) for the hosting and operation of a Motocross Safety Camp in an A-1 (Agriculture) Zoning District. Said property is located on the West side of Tennessee Road between Pawnee Road and K-68 Highway, in the South Half (S ½) of the Northeast Quarter (NE ¼) of Section 26, Township 16 South, Range 20 East.*

Staff Presentation: The Chair opened Staff Presentation. The Planning Director stated that this is a meeting to consider the modification or revocation of a previously approved Special Use Permit #1506-1353 (Martin) for the “hosting and operation of a Motocross Safety Camp”. This matter was presented to the Planning Commission at your meeting on December 17th, 2015. At that meeting you directed Staff to initiate actions to hold a public hearing for the reconsideration of this matter. Subsequent to that time, Staff and County Counselor did meet with the Martin’s to review the issues that were noted in the various complaints that were received, in particular the one that concerned Staff was whether or not the insurance satisfied the requirement for condition #2. At that meeting, the Martin’s expressed that their decision would be to withdraw their application. They did not cite specifics but Staff felt that they were concerned with related issues to this Special Use Permit and that the appropriate thing to do would be to withdraw their action. There is no reason to open the hearing and Staff recommends that the Planning Commission adopt the attached resolution accepting the “Letter of Withdrawal” of

Special Use Permit #1503-1353 (Martin) and declaring all previous approval and matters related to the Special Use Permit to be Null and Void. The Chair closed Staff Presentation.

Applicant Presentation: The Chair opened Applicant Presentation. There were none. The Chair closed Applicant Presentation.

Public Comment: The Chair opened Public Comment. There were none. The Chair closed Public Comment.

Board Discussion. The Chair opened Board Discussion. There were none. The Chair closed Board Discussion.

The Chair asked for a motion. L. Stewart made a motion to accept the Letter of Withdrawal of Special Use Permit #1506-1353 (Martin) and declare all previous approvals and matters related to the Special Use Permit to be Null and Void based on Staff recommendations. The motion was seconded by R. Bowers. Chair called for a roll call vote.

Welton	Excused	Spencer	Yes	Peckham	Yes
Thurston	Yes	Stewart	Yes	Jones	Yes
Valencia	Yes	Bowers	Yes	Stottlemire	Yes

Motion carried 8-0.

NON-PUBLIC MEETING ITEMS:

The Chair opened Non-Public Meeting Items. There were none. The Chair closed Non-Public Meeting Items.

PUBLIC COMMENT SECTION:

The Chair opened Public Comment. There were none. The Chair closed Public Comment.

GENERAL BOARD DISCUSSION:

The Chair opened General Board Discussion.

1. Discuss allowing used tires to be used for agricultural purposes.

Chair stated that the Planning Commission did receive a Staff Report with pictures attached from Staff in their monthly packets earlier this month.

Staff stated that in October of 2015, the Planning Department received several complaints regarding the storage of a stock pile of old used tires. The neighbors were concerned that this was an attempt to stock pile what looks very similar to a salvage operation. The property owner informed Staff that it was his intent to use these tires for agricultural purposes and he submitted several photos as to how he might use the tires. One of the photos submitted did not depict agricultural use but more of decorative yard landscaping. However, the other photo might be classified as more of an agricultural use if it were in a greenhouse and called them planter boxes. If the property owner stated that was the intent, then Staff would agree that would be more related to an agricultural activity and, therefore, could be permitted subject to a Special Use Permit. However, in terms of just calling this an agricultural use, Staff does not feel there is a need for 350 used tires to promote agriculture on a 10.00 acre tract. There is representation here that the property owner intends to use these for some sort of agricultural business. Staff does not feel that this is an appropriate way to utilize the property and maintain it as an agricultural operation. Staff is requesting that the Planning Commission determine if the use of used tires as planters qualifies as a permitted agricultural operation. Staff feels that the use of a few used tires around the property as planters for landscaping purposes is not a bona fide agricultural use and Staff does not feel it satisfies the criteria for limited agricultural use.

Chair stated that in picture exhibit #2 where the property owner painted the tires and used them for landscaping purposes she could justify. However, that would not take more than twenty tires let alone 350. In the second

picture where they are in a greenhouse and they are growing plants in each one of them, she is not sure how many could fit inside a greenhouse and make it workable.

Staff stated that would depend on what type of facility they had. There are nursery facilities that are set up that cover a large square footage area.

Chair stated that those types of facilities have to obtain a nursery license and they have to be approved for a Special Use Permit.

Staff stated that those large nursery facilities do have to get a Special Use Permit. While these nurseries may be somewhat of a related agricultural use, and are recognized that way, may be permitted subject to a Special Use Permit. The Special Use Permit allows for a site by site evaluation of the activity that is being proposed to see how it fits into the community and you can attach whatever mitigation measures the Planning Commission feels appropriate that would limit any impacts to surrounding property values and other items associated with the proposed activity. These used tires are just out in the open and there has been no discussion that they would be relocated into a greenhouse operation. The used tires are increasing not only in number but also in size. The last photos taken at the site depicted a number of tractor tires. The first photos depicted only vehicle tires and now there are piles of tractor tires. It also went from around 200 used tires to now over 300.

Chair asked if they are storing anything in the cleaned off area shown on the photos.

Staff stated that this is the storage area and that the area did need to be cleaned off because it was overgrown with hedge and cedar trees. Staff welcomes any comments and thoughts that the Planning Commission may have on this matter.

L. Thurston stated that this would be encouraging more of a mess and a harbor area for rats and finds that it is not an agricultural use and he could not support this type of activity.

L. Spencer asked in exhibit #1, what is the gravel area? Are they proposing to build something in that area?

Staff stated he is not certain what the gravel is for because there are no improvements to the driveway that goes onto the property. The property owner just graded out an area similar to the start of a daylight basement that is cut back into a hill and open at one end. They have moved a lot of earth around and cleared out a bunch of cedar trees. The storage of some of the used tires are in the cut area and others are piled to the south of that area and the number of tires has continued to grow.

S. Valencia asked if the property owner stated a time frame as to when he would be doing something with these used tires.

Staff stated the property owner has not submitted any type of plan or time frame for the use of the used tires.

L. Spencer stated that if the landscaping planters shown in exhibit #2 are what the property owner has proposed then she could accept that. However, when you see all the piles of used tires in the back, it appears that they are not doing anything. She stated she could not state that these are for agricultural use. It appears to be more of a nuisance and it appears they are continuing to haul in more tires.

D. Stottlemire asked if the property owner has given an indication that he even intends to construct something that this use would be put into, similar to exhibit #2.

Staff stated no and that the property owner only maintained that the used tires would as an agricultural use.

D. Stottlemire asked if the property owner intended to use them on this particular property.

Staff stated yes on this 10.00 acre tract.

D. Stottlemire stated that he could accept them as an agricultural use if the property owner had applied for a Special Use Permit and if the used tires were to be located inside that facility used for agricultural purposes.

Chair stated imagine the size of the building that would need to be constructed to have used tractor tires and other size tires inside.

R. Bowers stated that it is not a building in the photo that was attached to the Staff Report, it is just plastic screening.

L. Spencer asked if the screening is what the applicant is proposing.

Staff stated that the property owner has not submitted anything purported to be a greenhouse or a nursery.

Chair asked if the pictures of the greenhouse and raised beds were submitted as part of the Staff Report were done by Staff or the property owner.

Staff stated that those particular photos were submitted by the property owner. The other photos were done by Staff.

Chair stated those photos look like something he took off the internet.

D. Stottlemire stated that he noticed that the property owner does not reside on the 10.00 acre tract.

Staff stated no the applicant does not reside on the 10.00 acre tract, there are no improvements to the property.

D. Stottlemire asked how many acres does the property owner own where he lives and if he wants to keep them for the proposed use why wouldn't he keep them where he lives.

Chair stated that he lives inside the city limits of Wellsville.

D. Stottlemire stated that the only way he could accept the use of the used tires for agricultural purposes would be if he came to the Planning Department to apply for a Special Use Permit for a nursery or greenhouse. He wouldn't even have to propose a building, even if it was for a business and then the Planning Commission could address the screening and what could be used. Until then it is just a storage pile of used tires.

L. Stewart asked if the property owner has stated any type of time frame when he was planning on moving forward with the proposed use.

Staff stated no the property owner has not submitted any information other than photos that are attached to your Staff Report.

L. Thurston asked if there was any indication that there is any other debris or tires buried in that area that has been disturbed.

Staff stated that if there is any other debris or tires it would had to have been done by the previous owners because it was so overgrown with so many hedge trees and cedar trees you wouldn't have found anything. Where the current property owner has cleared it off, Staff did not see any evidence of old debris, just what has been hauled in that the neighbors have complained about.

K. Jones asked if the storage pile of used tires is visible from the road.

Staff stated that some of the pictures that were attached to the Staff Report were taken from the road.

K. Jones stated that he wasn't sure exactly how bad it was and what the neighbors were actually seeing. In one of the photos you can see the adjoining neighbor's property so makes him wonder exactly how close it was to the property line.

Chair stated that if you look at page 1 of 2, the middle picture shows the gravel pile. If you look back at exhibit #3 you are looking at the gravel pile from the other direction so there is nothing out there.

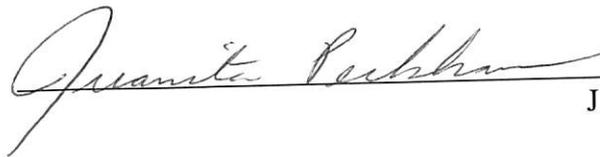
K. Jones asked if you can get paid to take tires. He knows you have to pay for the business to take the old tires when you get new ones put on, but do you have to pay for someone to take them. Otherwise, he doesn't understand why you would stock pile used tires like this.

Chair stated that someone may be paying him to haul the used tires off. If you take them to the County landfill you have to pay to dump them there.

Chair asked if Staff is looking for a consensus from the Board. If she is hearing correctly, the consensus of the Planning Commission is until he comes into the Planning Department and applies for a Special Use Permit, and shows exactly what he is going to be doing with the used tires, it is a nuisance and a Violation of the County Regulations.

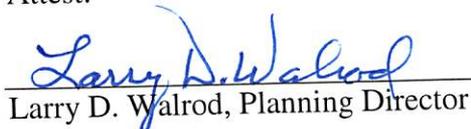
CALENDAR: The next Planning Commission Public Meeting will be held **Thursday, February 18th, 2016, at 6:30 p.m.** in the **COUNTY COMMISSIONERS MEETING ROOM IN THE ANNEX BUILDING.**

ADJOURNMENT: With no further business to discuss, L. Spencer made a motion to adjourn. D. Stottlemire seconded the motion. All voted in favor 8-0. The meeting was adjourned at 6:52 p.m.



J. Peckham, Chair

Attest:


Larry D. Walrod, Planning Director