

FRANKLIN COUNTY PLANNING COMMISSION

PUBLIC MEETING MINUTES

6:30 P.M., SEPTEMBER 21ST, 2017 AT THE COUNTY COMMISSIONERS MEETING ROOM
FRANKLIN COUNTY ANNEX

ATTENDANCE:

MEMBERS: L. Spencer, J. Peckham, D. Barkley, R. Bowers, D. Stottlemire and L. Thurston were present. S. Valencia and K. Jones were excused.

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

COMMISSIONERS: None were present.

ADMINISTRATOR/CO COUNSELOR: None were present.

PUBLIC: Four (4) people signed in. Sign-in list is part of the official file copy located in the Planning Office.

NOTES: Secretary called the meeting to order at 6:31 p.m.

GENERAL BUSINESS:

ADOPTION OF THE AGENDA: Secretary asked if there were any amendments to the September 21, 2017 Agenda. Staff stated there were none. R. Bowers made a motion to approve the agenda as presented. The motion was seconded by D. Stottlemire. The Secretary called for voice vote. All voted in favor. The agenda was approved 5-0 as presented.

APPROVAL OF MINUTES: August 17, 2017 Public Meeting

NOTES: Secretary asked if there were any corrections to the August 17, 2017 Public Meeting Minutes. There were none. Secretary asked for a motion. R. Bowers made a motion to approve the minutes of the August 17, 2017 Public Meeting as written. The motion was seconded by L. Thurston. The Secretary called for voice vote. The minutes were approved 5-0 as written.

COMMUNICATIONS: There were none.

EX PARTE COMMUNICATIONS: There were none.

PUBLIC MEETING ITEMS: The Secretary opened Public Meeting Items.

1. *Application #1706-1507 (Baumgartner) to rezone approximately 12.11 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District. Said property is located near the intersection of Neosho Road and Vermont Road, on the South side of Neosho Road and approximately one-quarter (1/4) mile East of Vermont Road, in the East Half (E 1/2) of the Northwest Quarter (NW 1/4) of Section 04, Township 17 South, Range 21 East.*

Staff Presentation: The Secretary opened Staff Presentation. Staff stated that the applicant is requesting to rezone approximately 12.11 acres from an A-1 (Agriculture) District to an R-E (Residential Estate). The property is located near the intersection of Neosho Road and Vermont Road, on the South side of Neosho Road and approximately one-quarter (1/4) mile East of Vermont Road in the East Half (E 1/2) of the Northwest Quarter (NW 1/4) of Section 04, Township 17 South, Range 21 East. The purpose for the rezoning is to permit the division of the 12.11 acres, with the existing residence and outbuildings, for refinancing purposes. Once a refinancing has to take place it's typically not going to be applicable to the entire acreage. Most of the secondary mortgage markets will not accept loans or mortgages for anything above 5 or 10 acres. This is something that was initiated a few years ago when Freddie Mac and Fannie Mae were going under and it is still prevalent today, so this is not an uncommon occurrence. The original financing was at a much higher rate and today's market has lowered those rates to where they are far more attractive for people who would like to make additions or any other revisions to their original mortgages. The property is currently served with on-site water, by Rural Water District #6, and on-site sanitation so it does satisfy the primary objectives of the County Comprehensive Plan and Zoning Regulations. It also meets the minimum lot size, lot length-to-width ratio and other requirements of the County Subdivision and Zoning Regulations. Staff finds that the rezoning request is substantially in compliance with the goals and objectives of the County Comprehensive Plan and the County Zoning Regulations. In consideration of the rezoning, the Planning Commission should look at the thirteen (13) findings of fact based on the guidelines that are listed in your Staff Report along with the factors from the Golden Case. Notice was sent to sixteen (16) surrounding property owners. The Planning Department did not receive any comments for or against the proposed rezoning request. After reviewing the character of the surrounding area and the policies of the Comprehensive Plan, Staff recommends that the Planning Commission adopt the attached draft resolution recommending approval of rezoning application #1706-1507 to rezone approximately 12.11 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District based on the findings as set forth in the resolution and forward a recommendation to the County Commissioners to rezone the property and to amend the County Zoning Map accordingly. The Secretary closed Staff Presentation.

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

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

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

The Secretary asked for a motion. R. Bowers made a motion to recommend approval of application #1706-1507 (Baumgartner) to rezone approximately 12.11 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District as described by Secretary and based on Staff recommendations and the findings as stated in the Staff Report. The motion was seconded by D. Barkley. Secretary called for a roll call vote.

		Spencer	Yes	Peckham	Absent
Thurston	Yes	Barkley	Yes	Jones	Excused
Valencia	Excused	Bowers	Yes	Stottlemire	Yes

Motion carried 5-0.

Staff stated that the Planning Commission decision is only advisory and that this matter will go forward to the Board of County Commissioners for final consideration in approximately three (3) weeks. There is a fourteen (14) day protest period that is provided by State Law. The County Commissioners cannot act on this matter until that fourteen (14) day time period has expired, which would be on October 11th, 2017.

J. Peckham arrived at 6:38 p.m.

2. *Application #1706-1519 (Jackson) to rezone approximately 40.25 acres from an A-1 (Agriculture) Zoning District to an A-2 (Transitional Agriculture) Zoning District. Said property is located near the intersection of Shawnee Road and Kentucky Road, on the North side of Shawnee Road and approximately one-half (1/2) mile East of Kentucky Road, in the East Half (E 1/2) of the South Half (S 1/2) of the Southwest Quarter (SW 1/4) of Section 33, Township 15 South, Range 19 East.*

Staff Presentation: The Secretary opened Staff Presentation. Staff stated that the applicant is requesting to rezone approximately 40.25 acres from an A-1 (Agriculture) District to an A-2 (Transitional Agriculture) District. The property is located near the intersection of Shawnee Road and Kentucky Road, on the North side of Shawnee Road and approximately one-half (1/2) mile East of Kentucky Road, in the East Half (E 1/2) of the South Half (S 1/2) of the Southwest Quarter (SW 1/4) of Section 33, Township 15 South, Range 19 East. The purpose for the rezoning is to permit the division of approximately 40.25 acres into two (2) approximately twenty acre tracts for sale. Once you go less than the 40-acre minimum lot size that is required for the A-1 Zoning District the Zoning Regulations require that the property be rezoned to the appropriate zoning district to fit the size of the parcel. The County Comprehensive Plan does require that the applicant provide proof of the ability to provide on-site sanitation as well as an on-site potable water supply if the parcels are less than twenty (20) acres or an aliquot division of a half of a quarter-quarter division. In this case they satisfied that requirement because the newly created parcels would be at least twenty (20) acres in size and therefore are exempt from the requirement to provide proof that they have the capabilities of having an on-site potable water supply and on-site sanitation. This would be consistent with policies #5 and #6 of the Franklin County Comprehensive Plan that are relative to rural residential developments in Franklin County. Staff has reviewed this application to determine whether or not it is consistent with the character and conditions of the surrounding neighborhood as well as other requirements that are set forth in the Franklin County Zoning Regulations and Comprehensive Plan. The aerial photo that is attached to your Staff Report depicts the overall character. There are a number of 5 and 10 acre tracts that are already created in this general area along Shawnee Road. There are also a number of smaller tracts that have been created to the East of Louisiana Road and in the general vicinity. Staff finds that the rezoning of this 40 acres would be in keeping with the overall character of the County and would also be consistent with the Policies of the County Comprehensive Plan and the Zoning and Subdivision Regulations. Notice was sent to fifteen (15) surrounding property owners. The Planning Department did not receive any comments for or against the proposed rezoning request. Staff recommends that the Planning Commission adopt the attached draft resolution recommending approval of rezoning application #1706-1519 to rezone approximately 40.25 acres from an A-1 (Agriculture) District to an A-2 (Transitional Agriculture) District based on the findings as set forth in the resolution and forward a recommendation to the County Commissioners to rezone the property and to amend the County Zoning Map accordingly.

D. Barkley stated that the Planning Commission is only considering the rezoning of the 40-acre tract. The division of the 40 acres would be a different issue because if they sell the two (2) twenty (20) acre tracts, and then the new owners comes to the Planning Commission to rezone it to residential to build a new residence, then that would be a different consideration?

Staff stated that the tracts would not have to be rezoned to residential to build a residence because the County allows one residence per lot or tract whether it is 40 acres or 20 acres or 80 acres in size. The Zoning Regulations allow the one residence per lot or tract of land provided they otherwise meet the requirements of the County Building Code and the setbacks. It would not come back to the Planning Commission because this division would be a simple lot split and the Subdivision Regulations authorizes the Planning Director to approve lot splits. If they were to divide the twenty (20) acres into smaller tracts, then that would be considered a small subdivision and would also be subject to rezoning. Any time they split a tract of land into three (3) lots or more that would be

considered a subdivision plat and that would come back before the Planning Commission. The Secretary closed Staff Presentation.

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

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

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

The Secretary asked for a motion. R. Bowers made a motion to recommend approval of application #1706-1519 (Jackson) to rezone approximately 12.11 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District as described by Secretary and based on Staff recommendations and the findings as stated in the Staff Report. The motion was seconded by D. Barkley. Secretary called for a roll call vote.

		Spencer	Yes	Peckham	Yes
Thurston	Yes	Barkley	Yes	Jones	Excused
Valencia	Excused	Bowers	Yes	Stottlemire	Yes

Motion carried 6-0.

NON-PUBLIC MEETING ITEMS: There were none.

PUBLIC COMMENT SECTION: The Secretary opened Public Comment. Glen Nelson, 2074 Stafford Road, stated that he has been concerned about a road between 2100 and 2300 Stafford Terrace that is a minimum maintenance road which continues to get torn up by kids with their 4-wheel drive pick-ups. It is mile long and they own the entire South side and half the North side. Another neighbor owns the other end. He would like to see the road closed and wasn't sure if this would be the place to address this concern or not.

Staff stated that typically these matters go first to the Public Works Director and then the matter would be placed on the County Commissioners Agenda. The County Commissioners are the ones that would establish whether it is a minimum maintenance road or vacated or abandoned or even opened up as a full maintenance road. These matters would not come before the Planning Commission but would be an issue that would be addressed before the County Commissioners. However, the first contact would be with the Public Works Director, Jim Haag.

D. Stottlemire stated that as a former County Commissioner he wanted to suggest to Mr. Nelson that he talk to all the property owners that would be in concern and that they all would be in favor of vacating the road. Vacating a road would require the same process as a rezoning request, which requires notifying all the surrounding property owners and also holding a public hearing. If there is one person that is against vacating the road, then you may have wasted your time. However, if all the landowners are in agreement and the Public Works Director sees no reason to keep it open, then it very well could get vacated.

Staff also recommended that Mr. Nelson try to get the surrounding property owners to sign a petition requesting the road be vacated. The Secretary closed Public Comment.

GENERAL BOARD DISCUSSION: The Secretary opened General Board Discussion.

J. Peckham asked which members of the Planning Commission are due to leave this year.

Staff stated L. Thurston and K. Jones terms have expired this year.

1. Election of Officers

L. Spencer made a motion to select S. Valencia as Chair. J. Peckham made a motion to cease nominations. Chair called for a voice vote. All voted in favor. Motion carried 6-0.

L. Spencer made a motion to select R. Bowers as Vice Chair. J. Peckham made a motion to cease nominations. Chair called for a voice vote. All voted in favor. Motion carried 6-0.

The Secretary closed Board Discussion.

CALENDAR: The next Planning Commission Public Meeting will be held **Thursday, October 19th, 2017, at 6:30 p.m.** in the **COUNTY COMMISSIONERS MEETING ROOM IN THE ANNEX BUILDING.**

ADJOURNMENT: With no further business to discuss, L. Thurston made a motion to adjourn. R. Bowers seconded the motion. All voted in favor 6-0. The meeting was adjourned at 6:58 p.m.



Larry D. Walrod, Secretary

Attest:



Larry D. Walrod, Planning Director