

MADISON CITY PLAN COMMISSION

Minutes

January 13, 2020

The Madison City Plan Commission held a regular meeting on Monday, January 13, 2020 at 5:30 p.m. in City Hall. Darrell Henderson, chairman, presided over the meeting with the following board members present: Joe Niehaus, Jeff Kernan, Josh Wilbur, Karl Eaglin, Bob Waller and Seth Pennington. Also present: Brian Martin, Building Inspector; Devon Sharpe, attorney; and Louann Waller, secretary. Absent: Jerry Ralston and Patrick Thevenow, board members.

Minutes:

There were no additions or corrections to minutes of the previous meeting.

J. Wilbur made the motion to approve minutes – seconded by K. Eaglin – all ayes with exception of S. Pennington as he is a new board member.

Minutes stand approved as recorded and distributed.

Mayor Courtney thanked the board members for their service on the Plan Commission. Also, said he wanted to brief the board members on a recent issue that had developed and how the city proposed to work toward a resolution. As the members know, Jefferson County as well as the city of Madison since the 1960's has co-regulated the buffer zone which is a 2-mile area that surrounds the city of Madison as well as the town of Hanover. That co-jurisdiction is provided to us through state statute and over the years there's probably been a number of discussions about zoning matters in that buffer zone and some conflicts have arisen.

Mayor Courtney further stated, on December 19, 2019 the Jefferson County Board of Commissioners had voted unanimously to rescind the ordinance that delegated regulatory supervision to the city of Madison and the town of Hanover over the buffer zone. This was a bit of surprise but they had taken similar action, although there wasn't a definite date attached to it, they did take a similar action to do the same thing in 2018. There was a meeting with Commissioner Little about a week or so ago and talked about the history of the buffer zone, the fact that there is county representation both on our Planning Commission and the Board of Zoning Appeals. We felt like in an overall respect we did a good and effective job of regulating development in the buffer zone. We both acknowledged that there is some confusion relative to what rolls we each play in the buffer zone, and we also talked about some specific matters that we think created friction over the years of development activity in the buffer. What we agree to do, based upon request, we had requested that the board of commissioners forbear enforcement of that ordinance for a period of six (6) months which would allow members from our Planning Commission and Zoning Board as well as members from their Zoning Board and Planning Commission to get together and talk about ways we can better educate the public about the buffer zone specifically as well as areas that we might be able to reconcile our various different

Zoning Ordinances to make it more conducive for the residents who actually live in the buffer zone.

The board of commissioners approved that request to forebear and so I wanted to inform the PC members and ask for membership to give some consideration as to who would like to participate so that we can get this group together and frame up a resolution to the issue and, again, the goal is to primarily educate the public as to what roles each entity plays in the buffer zone because from our perspective we are only regulating development matters that appear there so that we can make sure it is conducive with what is going on around the border of the city of Madison.

Tonight was just to brief the PC members on that development. It was a very good development in his opinion and will allow us time to have the dialog and communication and work toward making sure that both of our respective groups are taken into consideration, things that are important for the city of Madison as well as what is important to the residents that are living in the buffer zone.

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Don't have to take action tonight as to who to appoint but at some point in time would like to request maybe two (2) members from this Plan Commission to join that initiative and from there frame up how to approach the issue so we can have a positive permanent outcome with the Jefferson County commissioners.

D. Henderson asked Mayor Courtney if he thought it would be good to have one (1) city and one (1) county representative. Mayor Courtney said would be inviting the Jefferson County Plan Commission to participate in this too, so he envisions two (2) people from this board, however, would like that to be composed, as well as two (2) people from the Jefferson County Plan Commission. And thought someone from the BZA would be important to have on the board as well.

Hopefully once and for all can eliminate the confusion and educate the community as well as all of our staff here and the staff at the courthouse on how to handle inquiries as they come in because it has been a point of frustration and confusion for quite a while.

D. Henderson introduced new PC board member, Seth Pennington. Also welcomed Jerry Ralston and Patrick Thevenow who were not in attendance, and new Building Inspector, Brian Martin.

New Applications:

- Overpeck Properties – Setback request for construction of a new structure to be utilized for All Kid’s Can therapy for children. North lot line setback request: 80-ft.; South lot line setback request: 190-ft.; East lot line setback request: 282-ft.; West lot line setback request: 211-ft.

Location: **2420 Wilson Ave.**

Zoned: General Business (GB)

Jacqueline Overpeck said that she owns All Kid’s Can Therapy services that operates at 2420 Wilson, have been there six (6) years, first were renters and then purchased the property. They have always helped children with special needs by providing physical, occupational and speech therapy. They are now providing ABA therapy which is behavioral therapy for kids on the autism spectrum and have 16 children on their waiting list trying to receive service. She stated that not only is that due to not having a place that is large enough but also finding proper professionals in the area.

Ms. Overpeck said they are currently renting a facility for the ABA therapy but need a place that is closer to current facility so the children don’t have to travel back and forth. Children receiving multiple services are traveling back and forth. Therefore, they want to build a building very close to their current building on Wilson Ave. in order to house the ABA therapy.

D. Henderson said from the lot lines she obviously has a lot of room there except for the west lot line which is at 25-ft. D. Henderson asked Ms. Overpeck how the cemetery enters into this. She explained that the cemetery is actually part of her property, not sure how that works, technically owns the cemetery. D. Henderson then asked Ms. Overpeck how far away the new building would be from the cemetery. She answered that she measured the lot line from the north border of the cemetery so that’s how far it is from the cemetery – a good 80-ft. J. Wilbur wanted to know about the driveway by asking applicant where does the driveway enter – looks like it is close to the cemetery. It is, per Ms. Overpeck. She said that Gammons Excavating gave her a quote on the driveway and at the time the Building Inspector, Mark Johnson, came and felt like the drive was not going to be an issue where it was. As far as having an easement to the cemetery, the city will still have access. In fact, currently, the workers who are working in the cemetery use her property all the time, don’t have a problem with that, just ask that they come after business hours because have children coming in and out. Have not had any problems

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with the workers so did not foresee the driveway being any additional problem. J. Wilbur then asked Ms. Overpeck if it would cause any issue with disturbing the cemetery. She said no – would always allow them to get in and clean it up. J. Wilbur also asked Ms. Overpeck how far she thought the driveway is going to be from the cemetery line/fence. She answered it will be 10-ft., maybe 12-ft. She explained that currently there is one (1) drive and it causing havoc

because people are coming in and out to multiple places so the goal is to have a loop drive so people will come in one way, go to the facility they need to go to, and then come out the other way. Which way is the in and out, they haven't decided. J. Wilbur told Ms. Overpeck the issue he saw with that is the hill and traffic and not seeing the traffic coming in and out from there because at least where they enter and exit for now, you are close to the top. The problem is going to be as you get closer to the cemetery going down the hill so people will be able to see who is coming in or out could be an issue. Ms. Overpeck said her thought was that the "out" needed to be at the stop sign and the "in" can be near the cemetery. She noted there is no shrubbery or trees, pretty open so feels like you can see, but could make sure that the "out" is always by the stop sign. "In" would be only at the cemetery end. L. Waller added that Tony Sorrells, Street Superintendent, had evaluated the site, mentioned to L. Waller that he also thought entrance only should be near the cemetery and exit only at the stop sign.

No questions or comments from the audience. No further questions or comments from board members.

K. Eaglin made the motion to approve application as applied with the stipulation of the driveway of the exit being at the stop sign. Seconded by J. Wilbur – roll call – all ayes.

Application approved as applied with the stipulation that exit only be at the stop sign.

Tabled Applications:

- Joe Pettit – Setback request application for the placement of a structure to be utilized as an office for a used car sales business. North lot line setback request – 90-ft.; South lot line setback request – 70-ft.; East lot line setback request – 125-130-ft.; and West lot line setback – 25-ft.

Location: **1643 Clifty Dr.**

Zoned: General Business (GB)

L. Waller advised the board members she had received a phone call on this date from Mr. Pettit's assistant, Amy, requesting for their application to be withdrawn. At this time they are unsure of future plans.

Application withdrawn.

- Robert and Sheila Pratt – Petition to Amend Final Plat so as to combine lots eight (8) Parcel 39 08 27 113 020 016 007 and nine (9) Parcel 39 08 27 113 020 017 007 of Maple Hill, Section II subdivision. Said consolidation request to allow for construction of an accessory building (garage).

Location: **300 and 320 Miller St.**

Zoned: Medium Density Residential (R-8)

Mr. Pratt, 300 Miller St., apologized for his inability to make it to the last few meetings. Unable to get off work.

D. Henderson explained that Bob (Pratt) constructed a garage and didn't know at the time that he had to combine the lots because garage was built on a separate lot (residential lot).

K. Eaglin stated that he had looked at the construction and it all looks good, is away from neighbor's line, don't see any problems, did a good job with it.

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No further questions or comments from board members. No questions or comments from audience.

K. Eaglin made the motion to approve application – seconded by B. Waller – roll call – all ayes.
Application approved as applied.

Business – Old or New:

Election of 2020 Plan Commission chairman and vice-chairman, attorney and secretary.

K. Eaglin made the motion to open the floor for nominations.

Chairman:

J. Kernen nominated D. Henderson – seconded by B. Waller. No further nominations.
All ayes.

Congratulations to D. Henderson as the 2020 Plan Commission chairman.

Vice-Chairman:

K. Eaglin nominated J. Wilbur as the Vice-Chairman – seconded by J. Kernen – all ayes.

Congratulations to J. Wilbur as the 2020 Plan Commission vice-chairman.

Attorney:

J. Kernen made the motion to retain D. Sharpe as the 2020 PC attorney – seconded by J. Wilbur – all ayes.

D. Sharpe retained as the 2020 Plan Commission attorney.

Secretary:

B. Waller made the motion to retain L. Waller as the 2020 PC secretary – seconded by K. Eaglin – all ayes.

L. Waller retained as 2020 Plan Commission secretary.

No further business to be brought before the board.

J. Kernen made the motion to adjourn – seconded by K. Eaglin.

Meeting adjourned at 5:49 p.m.

BY ORDER OF THE MADISON CITY PLAN COMMISSION

Darrell Henderson, Chairman

Louann Waller, Secretary