

Regular Minutes of the
Ashland City Planning Commission
April 4, 2011

The Ashland City Planning Commission met in Special Called meeting on April 4, 2011 at 5:30 p.m. in the Municipal Building.

Vice Chairman Chris Lacrosse called the meeting to order at 5:30 p.m.

Commissioners present: Yvonne Stinnett, Ed Nichols, Hadley Williams, Dwayne Noe, Gary Norwood, Roger Jackson, Chris LaCrosse

Commissioners Absent:

Others Present: Michael W. Armstrong, Franklin Wilkinson, A. M. Armstrong, Sharon Caton, Edward Wansing, Carly Wansing, Chuck Walker, Chris Neese, Jennifer Noe

Approval of Minutes

A motion was made by Mayor Norwood and 2nd by Williams to approve the minutes from the Planning Commission meeting on March 7, 2011 as written. The motion to approve the minutes passed by unanimous voice vote.

Public Forum:

Mayor Norwood introduced the newest member to the Planning Commission, Roger Jackson. He will be replacing Dwayne Noe, who is now a City employee and will no longer be eligible to serve on the Commission.

Old Business: None

New Business:

A. Amend R-3 Medium Density Residential zoning by adding "Agricultural Use" as a permitted use under Special Exceptions.

Caton addressed the Commission and stated that someone had requested to amend the zoning to allow agricultural use in an R-3 Zoning and presented an outline of the R-3 zoning, including the list of uses allowed by right and a list of the uses permitted by special exception. She also reviewed and presented section 2.038 Agricultural and Extractive Activities and the definition of Agricultural Use per the Zoning Regulations. Regarding the keeping of chickens for personal use does not meet the test for Agricultural Use, it is not allowed in R-3 and is not a non-conforming use, there is no variance of Board of Zoning Appeals consideration other than interpretation of the Zoning Ordinances, the use itself is not variable. Farms allowed in R-1 or R-2 zoning as a special exceptions are traditionally retracted to properties of sufficient size to avoid noise, smell, and nuisance issues with adjoining property and are restricted to current lot configuration. Vegetable gardens, horticultural activities, and tree growth for personal use is not restricted by zoning. Products produced for sale are commercial and violate zoning

restriction of commercial use on residentially zoned property. Caton stated she is recommending denying the request to amend the zoning to allow an agricultural use as a special exception in an R-3 zoning. Jennifer Noe concurred with Caton and stated she had talked to the applicant and explained that the only way to allow raising of chickens in the R-3 Zoning would be to amend the zoning. Noe stated she does not think it would be in the City's best interest to do that. After further discussion, Edward Wansing addressed the Commission and stated that his lot is large enough to be zoned R-2, which does allow farm use. Mr. Wansing stated that some other cities that have smaller lot sizes and are much more urbanized that allow the raising of chickens include, San Francisco, Chicago, San Diego, River Side – Calif., Portland – Org. Anchorage, Washington –DC, Miami, Denver, Atlanta, Knoxville, among others. Most of these cities restrict roosters. Mr. Wansing is requesting to allow the raising of chickens as a special exception with certain restrictions placed on the applicant that will eliminate the potential for a nuisance. Five chickens will produce about as much manure as the average dog. The Municipal Code classifies chickens as a domestic animal along with cats and dogs. Mr. Wansing stated that he believes that the raising of chickens should be allowed as long as the site is maintained to eliminate noise, odor and nuisance. After further discussion, Caton stated that some of the things to consider would be regulating the number of animal kept, the size of the lot, who is going to police complaints. Also, this request is not for a single lot, changing the zoning would apply to all R-3 lots. This zoning allows a 10,000 square foot minimal lot size and allows duplexes. After further discussion a motion was made by Noe and 2nd by Stinnett to recess the discussion until the next Planning Commission meeting.

B. Amend R-4 Mixed Density Residential – Planned Unity Development District.

Caton presented a plat showing a portion of lot #5 of the existing Marrowbone Heights Subdivision that the developer, Ron Wilkinson, would like to take in to a proposed assisted living facility. The current base zoning of the property is R4 (MDR – PUD) and an assisted living center is allowed as a special exception in this zoning. Considerations for the Commission will be 1. The number of single cottages required to meet the zoning ordinance and number the area can accommodate. 2 If less than 60, revise the special exception section for assisted living facilities only. 3. Revise the special exception section for building height. 4. Recommend a special exception to allow an assisted living facility. 5. Amend the plat for assisted living facility footprint. 6. Amend the project site plan. 7. Determine the location of the medical provider offices and living quarters on adjacent commercial lot. 8. Get the build-out schedule for phase I and phase II. 9. Amend the PUD agreement. At this time MR. Wilkinson is proposing 25 single cottages on the lot. The original plat shows 13 single family lots. Fire Chief Walker stated he has no problem in that area with five stories or below. Caton presented a breakdown of proposed unit information of rents and sizes, including the (memory Care) rents and sizes. Caton stated she is recommending under the R-4 base zoning district section E. Dimensional Regulations 4. Height requirements to add: or upon approval of Planning Commission, Fire Department, and City Council for approved PUD projects. Caton stated that during the re-drafting and changing of the original R-4 MDR – PUD ordinance, a word was missed under E. Conditional use and Dimensional Regulations 1. the word “more” should have been changed to “less” in the first sentence and was over looked in the original approved re-draft. Also to this section Caton recommended adding “with the exception of

Assisted Living Facilities as noted in a) below. a) Building Rations for Assisted Living Facilities shall be recommended by the Planning Commission and approved by the City Council based on the highest and best use of the approved PUD site, traffic study, commercial viability, and housing needs.” After further discussion a motion was made by Noe and 2nd by Nichols to recommend to the City Council the previously mentioned amendments to the R-4 base zoning and the R-4 MDR – PUD zoning. The motion passed by roll call vote. Yvonne Stinnett- yes, Ed Nichols- yes, Hadley Williams- yes, Dwayne Noe- yes, Gary Norwood- yes, Roger Jackson- abstain, Chris LaCrosse- yes

Other:

Mayor Norwood addressed the Commission and stated that in the absence of Joe Macha because of his resignation, he opened the floor for nominations for Chairman. Mayor Norwood nominated Chirs LaCrosse as Chairman and asked for any other nominations. There were no other nominations and the nominations were declared closed. A motion was made by Noe and 2nd by Williams to elect Chris LaCrosse as the new Chairman. The motion passed by roll call vote. Yvonne Stinnett- yes, Ed Nichols- yes, Hadley Williams- yes, Dwayne Noe- yes, Gary Norwood- yes, Roger Jackson- yes, Chris LaCrosse- abstain

Mayor Norwood opened the floor for nominations for a new Vice-Chairman. Noe nominated Ed Nichols. After no other nominations the floor for nominations was declared closed. A motion was made by Stinnett and 2nd by Williams to elect Ed Nichols as the new Vice- Chairman. The motion passed by roll call vote. Yvonne Stinnett- yes, Ed Nichols- abstain, Hadley Williams- yes, Dwayne Noe- yes, Gary Norwood- yes, Roger Jackson- yes, Chris LaCrosse- yes.

Adjournment:

A motion to adjourn was made by Noe and 2nd by Williams. The meeting adjourned at 6:58 PM.

Acting Chairman Mayor Norwood