

Patrick County Planning Commission

Meeting of October 25, 2004

Present: Leon Holt, Chairman; Johnny Marion, Vice-Chairman, Michael Burnette; Cleve Lawson; Roger Martin; Jeannie Frisco, Secretary; Brian Lewis and Mark Johnson, The Reserve

Absent: None

A meeting of the Patrick County Planning Commission was held on October 25, 2004 at 7:00 PM, in the Second Floor Conference Room of the Patrick County Administration building.

Mr. Leon Holt, Chairman, called the meeting to order. The minutes of the September 20, 2004, meeting were presented for approval. On motion by Mr. Johnny Marion and seconded by Mr. Cleve Lawson, the minutes were approved as read.

Mr. Holt opened the floor for discussion regarding The Reserve's plat. Mr. Clark indicated that some of the lots did not contain 50 foot road frontage and referred The Reserve representatives to Article 5, Section H of the subdivision ordinance. Mr. Clark further indicated that the roadway could not be included in the size of the lot. Discussion ensued regarding the access off the cul-da-sac. Mr. Holt advised representatives of The Reserve that the Commission could not instruct them on how to come into compliance with regulations and directed them to the subdivision ordinance itself. Mr. Marion ask the representatives about an existing well on the plat and if there was a septic system as well. Representatives from The Reserve informed Mr. Marion that there was an existing septic and went on to say that The Reserve has decided to place individual septic systems on each lot, which was a change from the original plan to serve three lots with one septic system. Mr. Johnson stated that the Health Department needs a letter from the County requesting review of the project's well and septic plan. The commission discussed making this request while not yet approving the plat presented by The Reserve. Mr. Martin made a motion that the Commission compose a letter requesting the Patrick County Health Department to begin this well and septic plan review while not indicating any approval as of yet of the plat submitted by The Reserve. He stated that he felt the two approval processes could be operate concurrently. Mr. Burnette seconded the motion. The Commission directed Mr. Burnette to discuss with the County Administrator and the Patrick County Health Department, the appropriate County official to send this request. If the Commission is to send this request, the Chairman instructed the Secretary to draft a letter of request for this signature. With no further discussion, the commission voted unanimously to request a review by the Health Department of The Reserve's well and septic plan by whatever means are deemed appropriate.

Voting Aye: All

Voting Nay: None

Mr. Holt urged The Reserve to contact E-911 officials to ensure that all local requirements of road naming and signage are met.

To expedite the review of The Reserve's edited plat, the consensus of the Commission was to meet on Monday, November 1st at 6:00 PM in the 3rd Floor Conference Room of the Patrick County Administration Building.

Mr. Holt requested that a Vice-Chairman be named in case of his absence at some point in the future. A motion was made by Mr. Clark and seconded by Mr. Burnette to appoint Mr. Marion as Vice-Chairman. Mr. Marion enthusiastically accepted the nomination.

Voting Aye: All

Voting Nay: None

Mr. Holt expressed concern that the County Attorney has not been in attendance for meeting of the Planning Commission. He feels as in the past, the County Attorney should attend all Planning Commission meetings to advise the Commission on legal issues as needed. The Chairman requested that the County Administrator be asked about the contractual arrangements with Mr. Eric Monday and whether his retainer includes attendance at Planning Commission meetings. By general consensus, the commission requested Mr. Burnette to speak with the County Administrator regarding this issue.

Mr. Holt opened the floor for discussion regarding revisions to the subdivision ordinance. Mr. Clark directed commission members to Article 5, Section C stating "No subdivider shall transfer or sell with reference to a plat any lot contained within a subdivision lying in the County's jurisdiction nor shall the County issue a building or construction permit until such subdivision and plat have been granted final approval by the Planning Commission or Board of Supervisors, in accordance with the procedure set forth in this Ordinance, and such plat has been duly recorded by the Clerk of the Circuit Court of Patrick County." Mr. Clark suggested and general consensus of the commission approved the removal of "or Board of Supervisors" from this section. Mr. Clark also addressed Article 9 (a) – "Authority: The Planning Commission or the Board of Supervisors may authorize a variance from any provision of this ordinance in cases where it is determined that: 1. Strict adherence to the provision of this ordinance would result in substantial hardship or injustice; 2. The authorization of the variance will not be of substantial detriment to adjacent or nearby property; 3. The authorization of the variance will not be detrimental to the public safety, health, or welfare; 4. The variance will not substantially compromise the intent of this Ordinance. Any variance authorized will be recorded in the minutes, together with an explanation of the reasons for granting the variance". Mr. Clark suggested and general consensus of the commission approved the removal of "or Board of Supervisors" from this section as well. Discussion proceeded regarding whether all four reasons in this section must be met for a variance or only one of the four. General consensus by the Planning Commission members was that a variance must satisfy all four points. Mr. Holt directed the members to Article 9, Section B regarding procedure for variances. He suggested that the initial meeting concerning a requested variance be reserved for general discussion of the

request and presentation by the requestor. The Commission will have the option at this meeting of denying the variance request, request additional information or proceed to a public hearing. If the Commission proceeds to a public hearing, the Commission will determine action to be taken within 10 days. This action can consist of approval, denial or request for additional information.

Mr. Clark indicated that he would like to have a clearer definition of "road". Discussion regarding definition pursued and commission members felt counsel should be consulted before approving this definition.

In Article 7, Section A(3), Mr. Clark suggested that "or in the case of family subdivision" be removed from the ordinance and "and" be inserted so that all lots contain at least 50 feet of road frontage and provide for permanent easement of right of way for a roadway of at least 20 feet in width for access to a public street. It was further discussed that the commission require some form of parking availability.

Mr. Clark expressed concern with a perceived loop hole in the Subdivision Ordinance specifically related to Article 4, Section 1. This section states "Any conveyance creating a lot line revision, or any conveyance where the total number of lots is not increased and no substandard lots are created" would not be subject to the Subdivision Ordinance. Mr. Clark believes that a landowner could subdivide his land in a manner that would ordinarily make it subject to the ordinance but could be exempted due to the wording of this section. Mr. Clark gave a presentation to the Commission as to how this could occur. Mr. Holt suggested that this issue be brought to the attention of legal counsel and discussed at a later date.

Mr. Holt asked that a draft revision of the Subdivision Ordinance be compiled and forwarded to the Commission prior to the next Commission meeting. The next regular meeting will be held on November 15, 2004 at 7:00 PM in the 2nd Floor Conference Room of the County Administration Building.

With no further business to discuss, Mr. Burnette made the motion and was seconded by Mr. Marion to adjourn.

Chairman

Date

