

**Approved Minutes of the March 4, 2020
Planning Commission Regular Meeting**

SUP-19-0012. Tiki Tree and Landscape

Mr. Brett Meadows, Planner, stated that Hayden's Place, LLC, doing business as Tiki Tree and Landscape, has applied to allow a contractor's storage yard at 6283, 6293, and 6289 Centerville Road. Mr. Meadows stated that the parcels are zoned A-1, General Agricultural and are located within the PSA. Mr. Meadows noted a contractor's storage yard is a specially permitted use in the A-1 Zoning District.

Mr. Meadows stated that only the parcel at 6283 will be used for the storage area. Mr. Meadows further stated that the parcel belonging to Mr. Timothy Soderholm and Ms. Ashley Marie Campbell will be used for an office and restroom facilities, while the parcel belonging to Mr. Bruce Gilliam will contain an access easement to the storage yard from Centerville Road.

Mr. Meadows stated that staff is recommending conditions which are intended to mitigate the impacts of the use and preserve the residential character of the home. Mr. Meadows stated that conditions include screening from adjoining parcels and Centerville Road, limiting vehicle access to Centerville Road, and requiring a revegetation plan.

Mr. Meadows stated that staff finds the proposal compatible with the 2035 Comprehensive Plan as a use of very limited commercial nature which is located on a collector or arterial road. Mr. Meadows stated that with the proposed conditions, staff finds the proposal compatible with surrounding zoning and development. Mr. Meadows stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Krapf inquired about the history of the application.

Mr. Meadows stated that the applicant had conducted a similar use on parcel No. 3 and was found to be in violation of the Zoning Ordinance. Mr. Meadows stated that the applicant abated the violation. Mr. Meadows stated that the applicant has since been found in violation of the Zoning Ordinance for uses conducted on Parcel No. 1. Mr. Meadows stated that the applicant chose to go through the SUP process to achieve compliance with the Zoning Ordinance.

Mr. Krapf inquired about next steps should the SUP not be approved.

Mr. Meadows stated that the applicant could continue the appeal process for the Board of Zoning Appeals decision through the Circuit Court. Mr. Meadows further stated that the applicant could appeal the Board of Supervisors decision through the Circuit Court or could come into compliance by removing contractor's equipment and materials from the property.

Mr. Polster inquired if there were any comments from adjacent property owners.

Mr. Meadows stated that he received one response when the case was first advertised in February. Mr. Meadows further stated that the neighbor expressed some concerns about the location of the fencing; however, there was no further contact from the neighbor.

Mr. O'Connor inquired if the residences on Parcels No 1 and No. 2 will be used as residences under the SUP.

Mr. Meadows stated that the SUP limits the storage yard to the middle part of the property and should not preclude residential use at the front of the parcel. Mr. Meadows noted that he was not certain if the residence is currently occupied.

Mr. O'Connor noted that the SUP conditions limited the opening in the fence to six feet; however, the Master Plan shows a 16-foot gate. Mr. O'Connor requested clarification on the size of the gate.

Mr. Meadows stated that the Master Plan shows the existing gate. Mr. Meadows stated that the SUP requires screening that will be approved during the Site Plan process and the gate will be part of the Site Plan approval.

Mr. Polster inquired about the area on Parcel No. 1 behind the designated storage area.

Mr. Meadows stated that it was not included in the SUP and would require an SUP amendment if it were to be used for commercial purposes at a later time.

Mr. Polster inquired if the fencing would extend along the entire parcel.

Mr. Meadows stated that the extent of the fence would be determined at the Site Plan stage, but would most likely screen only the storage area.

Mr. Polster inquired if the adjacent property owner was aware of that possibility.

Mr. Meadows stated that he had not received any comments from that neighbor.

Mr. O'Connor inquired if the limitations on mulching and stump grinding applied to the entirety of the three parcels or just to the commercial/storage area.

Mr. Meadows stated that the conditions would cover all three parcels.

Mr. Haldeman called for disclosures from the Commission.

Mr. O'Connor stated that he spoke with the applicant's attorney.

Mr. Haldeman opened the Public Hearing.

Ms. Virginia Major, attorney for Hayden's Place, LLC, introduced Ryan Stephenson with AES Consulting Engineers, Mr. Timothy J. (TJ) Soderholm, owner of Tiki Tree Service and Hayden's Place, and Mr. Michael Heikes, attorney for Tiki Tree Service. Ms. Major addressed the Commission on the history of the application.

Ms. Majors provided the Commission with letters from neighbors who are not opposed to the SUP.

Mr. Polster inquired about the length of the eight-foot fence already in place on the property.

Mr. TJ Soderholm stated that the fence extends behind the first four properties along Settlers Lane and part-way behind the fifth parcel. Mr. Soderholm stated that there is also a fence along the west side of Parcel No. 1.

Mr. Polster inquired if there is any screening extending north from the pole barn.

Mr. Soderholm stated that there is no screening past the storage area.

Mr. Krapf inquired about the ownership of Parcel No. 1

Mr. Soderholm stated that he owns the property and rents the two dwellings.

Mr. Krapf inquired if the tenants have expressed concerns over the commercial activity.

Mr. Soderholm stated that the letters provided to the Commission are from surrounding residents who support the application.

Mr. O'Connor inquired if the applicant plans to expand the business operations.

Mr. Soderholm stated that he has no plans for expansion.

Mr. O'Connor inquired if the applicant agrees with the SUP conditions.

Mr. Soderholm confirmed.

Mr. Rob Rose inquired if there was any correspondence from the adjacent property owner at 6273 Centerville Road.

Mr. Soderholm stated that the owner did not wish to provide one. Mr. Soderholm stated that the owner encouraged him to pursue the SUP through the proper channels.

Ms. Majors stated that another neighbor had also encouraged the applicant to pursue the SUP through the County.

John Holland, 6273 Centerville Road addressed the Commission in opposition to the application.

Mr. Krapf inquired if there is any processing of materials from job sites that would make undue noise.

Mr. Michael Heikes stated that there is no tree work or stump grinding on the property. Mr. Heikes stated that the property is used for parking or storage of equipment only.

Mr. Krapf inquired if the equipment might be tested on the property to ensure maintenance of the equipment is satisfactory.

Mr. Heikes stated that this could be possible from time to time.

Mr. Soderholm noted that he does have a chipper and a grinder as part of his equipment. Mr. Soderholm further stated he has done work on the property to clean it up which required the use of those machines on a personal basis. Mr. Soderholm further stated that any future use of equipment on the property would be for necessary maintenance.

Mr. O'Connor inquired about deferral of the case from the previous meeting due to the requirement for the restroom.

Mr. Meadows stated that Building Safety and Permits stipulates that the restroom is required because this is a commercial operation. Mr. Meadows stated that port-a-johns would not be permitted and that this is a way to satisfy the requirement short of building another structure on the property.

Mr. O'Connor inquired if one of the residences on Parcel No. 1 were used for the office and restroom, would the residence fall under the SUP.

Mr. Holt confirmed that it would be part of the SUP.

Mr. Haldeman inquired about the effect of selling Parcel No. 3 separately.

Mr. Meadows stated that Parcel No. 1 would, then, require construction of or designation of restroom facilities.

As no one further wished to speak, Mr. Haldeman closed the Public Hearing.

Mr. Krapf stated that he will reluctantly support the application; however, he has concerns about the effects of the commercial activities on neighbors.

Mr. Rose stated that he has concerns about being able to ensure that any use of the equipment on the property is purely personal.

Ms. Leverenz stated that she understands the need to maintain a property and that such maintenance can create temporary impacts. Ms. Leverenz stated that she believes the application should be taken at face value and the applicant should be trusted to comply with the terms of the SUP. Ms. Leverenz stated that she will support the application.

Mr. Polster stated that he appreciates the efforts of the applicant to improve the appearance of the property and the residences on Parcel No. 1. Mr. Polster noted that he does have concerns about the impacts on the neighbors. Mr. Polster stated that the required fencing and screening should mitigate the impacts. Mr. Polster stated that he will support the application.

Mr. O'Connor stated that he appreciated that the applicant is trying to come into compliance. Mr. O'Connor noted that he is concerned about including Parcel No. 3 in the application. Mr. O'Connor further stated that he does not find the use to be a limited commercial facility and that it does not meet the criteria of supporting the residential area where it is located. Mr. O'Connor stated that he does not intend to support the application.

Ms. Leverenz stated that the commercial use is supportive of the surrounding community. Ms. Leverenz noted that the applicant often uses his equipment to assist neighbors during snow storms or wind storms.

Mr. Haldeman stated that he intends to support the application.

Mr. Polster made a motion to recommend approval of the application.

On a roll call vote, the Commission voted to recommend approval of SUP-19-0012. Tiki Tree and Landscape. (5-2)