

1 **New Market Planning Commission**

2 **February 6, 2023**

3 **CALL TO ORDER AND ESTABLISHMENT OF QUORUM**

4 The regular meeting of the New Market Planning Commission was held on Monday, February 6, 2023 at
5 6:30 p.m. The following Planning Commission members were in attendance: Chairman Larry Hale, Vice-
6 Chairperson Sherri Erbaugh, Sonny Mongold, and Bob King. Planning Commission Members George
7 Daugharty, Tom Linski, Jr., and Harry Wine, Jr. were absent.

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9 The pledge of allegiance was recited in unison.

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11 Mr. Larry Hale opened the meeting and established a quorum with four members present.

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13 **APPROVAL OF MINUTES**

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15 **Mr. Mongold made a motion to approve the minutes from the January 3, 2023 meeting of the**
16 **Planning Commission. Mrs. Erbaugh seconded the motion which passed on a unanimous 4-0 voice**
17 **vote.**

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19 **PUBLIC HEARINGS**

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21 There were no public hearings scheduled.

22 **OLD BUSINESS**

23 Mr. Walters remarked that he had issued a permit for a deck installation at 288 Clicks Lane and issued a
24 zoning permit for change of use at 9485 S. Congress to convert a home to an office space. Mr. Walters
25 advised that the next item under Old Business was a conditional use permit application by Creek Village
26 Investments. Mr. Todd Carr was schedule to speak regarding this permit application but had been called
27 away on an emergency and was unable to be at tonight's meeting.

28 **Mr. Mongold made a motion to table the discussion of a Conditional Use Permit Application (C.U.P.)**
29 **by Creek Village Investments until the March 2023 Planning Commission meeting. Mrs. Erbaugh**
30 **seconded the motion which passed on a 4-0 unanimous voice vote of members.**

31 Mr. Walters advised that he would check on the question regarding the subdivision ordinance and the
32 cul-de-sac street.

33 The next item under Old Business was the Short Term Rental Ordinance. Mr. Walters explained that this
34 item had been discussed at the last meeting. When the short-term rental ordinance was passed, short-
35 term rentals must be "owner occupied" in the R-1 and R-2 zones, meaning that the owner must live on
36 the premises. Mr. Walters mentioned that one option is requiring a C.U.P. for each short-term rental in
37 the R-1 and R-2 zones. This may entail a lot of work for the Planning Commission and for staff, and it is
38 unclear what the determining factors would be for issuing C.U.P's in those zones. Mr. Walters
39 mentioned that many subdivisions' H.O.A.'s do not allow short-term rentals in the R-1 and R-2 zones
40 anyway. Discussion ensued regarding Airbnb's versus Bed & Breakfasts. Mr. Walters advised that any
41 Bed & Breakfast requires a conditional use permit, but all short-term rentals if they fall under the Town's

42 regulations are “by right”. Mr. King advised that he is for keeping short-term rentals as “owner
43 occupied” in the R-1 and R-2 zones because it protects the community and those neighborhoods should
44 be protected. Mr. Walters stated that if the Planning Commission does not see any reason to change it
45 then they do not need to update anything.

46 **Mr. King made a motion to leave the short-term rental ordinance as it is. Mrs. Erbaugh seconded the**
47 **motion which passed on 4-0 unanimous voice vote of members.**

48 The next item under Old Business was an update on the Food Truck Ordinance. Mr. Walters advised
49 that the Food Truck Ordinance information has been sent to the Town Attorney to be put into ordinance
50 format. Once it has been put into Ordinance form, Mr. Walters can schedule a joint public hearing. Mr.
51 Walters advised that at the previous Planning Commission meeting, one member had asked about
52 where Food Trucks can be parked in town when not in use. Mr. Walters remarked that he had asked the
53 attorney if he had any recollection of how any other towns deal with that issue. Mr. Walters mentioned
54 that the only thing he could find in the Town’s current ordinance is that RV’s are allowed to be parked at
55 someone’s home. Mr. Walters advised that he did not think the Town would be inundated with people
56 parking Food Trucks at their home. Mr. Walters advised that some neighborhoods have H.O.A.’s that
57 restrict RV’s being parked in their neighborhoods.

58 A copy of Mr. Walter’s power point presentation is on file with the minutes.

59 **NEW BUSINESS**

60 The first agenda item under new business was the discussion and consideration a Conditional Use
61 Permit (C.U.P.) Application for Alvin Henry and Jon Henry for 9377 North Congress Street. Mr. Walters
62 explained that the property owner has applied for a C.U.P.

63 Mr. Walters advised that this location is where the old funeral home was in Town. The property is
64 currently owned by Alvin Henry and he would like to put a greenhouse near the rear of the property in
65 between where the new coolers are going and the existing building. The ordinance does require a
66 C.U.P. for a greenhouse. The ordinance also requires a C.U.P. if there are multiple uses on one site. Mr.
67 Henry would have both a greenhouse and a residential building on the same property which would be
68 two separate uses. Plus, the coolers that are being built would be another use on that property, so
69 these uses would be covered by the C.U.P.

70 Mr. Jon Henry showed where the greenhouse and the coolers would go on the property by referencing a
71 map (included in packet). Mr. Henry explained what would be stored in the various locations. Mr.
72 Henry fielded a few questions from Planning Commission members.

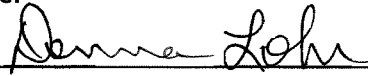
73 Mr. Alvin Henry explained that the greenhouse would actually be more of a pole barn. It would not be
74 enclosed by glass, but eventually could be enclosed if necessary. The building is a 30’ x 42’ structure.
75 There would be no parking spaces eliminated, but the area that was partially grass and gravel would be
76 used for the pavilion. Mr. Jon Henry would use it as an area to grow vegetables and sell produce. It
77 would be used similar to a Farmer’s Market.

78 **Mr. Mongold made a motion to approve sending the Conditional Use Permit (C.U.P.) for 9377 North**
79 **Congress Street to Public Hearing for the March Planning Commission Meeting. Mr. King seconded**
80 **the motion which passed on a 4-0 unanimous voice vote of Members.**

81 **ADJOURNMENT**

82 **At 7:00 p.m., Mr. King made a motion to adjourn the meeting. Mr. Mongold seconded the**
83 **motion which passed on a unanimous 4-0 voice vote.**

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Donna Lohr, Secretary