

Stark County Planning and Zoning Commission Minutes

December 1, 2016
3:00 pm

Chairman Russ Hoff called the meeting of the Stark County Planning and Zoning Commission to order. Chairman Russ Hoff, Jay Elkin, Scott Decker, Kurt Froelich, and Klayton Oltmanns were present, and absent were Byron Richard, Daneen Dressler, Duane Grundhouser, and Sue Larsen. Also present were County Planner Steve Josephson, and Nicole Roberts of the Auditor's office.

Kurt Froelich moved to approve the minutes from the September 29, 2016 meeting. Scott Decker seconded. All voted Aye and motion carried.

Chairman Hoff opened the public hearing on a request from Neil O'Brien. The request is for a variance to the minimum side yard setback requirement. The property is located at 11651 41st Street SW in the SW ¼ of the SE ¼ of Section 27, Township 139, Range 97 and is approximately 29.92 acres in area.

Chairman Hoff asked for anyone to speak either for or against the variance for Neil O'Brien. Chairman Hoff closed the public hearing.

Scott Decker moved to recommend to the Stark County Board of Commissioners the approval of a variance to the minimum side yard setback requirement following staff recommendations for Neil O'Brien. Klayton Oltmanns seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the reduction of the western side yard setback from 15 feet to 10 feet based upon the findings listed above and subject to the following condition;

1. The storage structure shall be generally located as shown on the site plan received with the variance application received by Stark County on November 8, 2016; and
2. The outward appearance of the accessory structure shall generally match the existing accessory structure.

Chairman Hoff opened the public hearing on a request from The Richard Koppinger Land Trust. The request is for a zoning change from Agriculture to Commercial on a parcel located in the NE ¼ of Section 35, Township 140, Range 98 containing approximately 15 acres.

Chairman Hoff asked for anyone to speak either for or against the zoning change from Agriculture to Commercial for The Richard Koppinger Land Trust. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of zoning change from Agriculture to Commercial on a parcel located in the NE ¼ of Section 35, Township 140, Range 98 containing approximately 15 acres following staff recommendations, with the following changes of conditions, for The Richard Koppinger Land Trust:

- Condition 3 was amended to require a paved access approach onto 121st Avenue SW; and
- A tenth condition was added requiring the zoning on the property revert back to Agriculture if no development occurs within two years of County Commission approval.

Kurt Froelich seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval based upon the following reasons:

A. The proposed rezoning reflects the emerging commercial development pattern in the immediate vicinity of I-94 and 121th Avenue SW; and

B. The adoption of the rezoning request with the following proposed conditions should limit impacts of commercial uses upon the existing agricultural uses in the vicinity;

- 1. The use on the property shall be restricted to an agronomy center as described in the application materials received by Stark County on November 8, 2016;**
- 2. The location of the office/shop/warehouse, bin pad, seed bins and anhydrous ammonia tank shall be as generally shown on the application information received by Stark County on November 8, 2016;**
- 3. Prior to development of the property the developer shall meet with the Stark County Road Superintendent to determine the location of a paved access approach onto 121st Avenue SW;**
- 4. The exterior design of the office/shop building will generally resemble the images received by Stark County on November 8, 2016;**
- 5. Prior to the issuance of a certificate of occupancy of any building, landscaping along 121st Avenue shall be installed and maintained by the property owner in accordance with a landscaping plan approved by the Zoning Administrator;**
- 6. Prior to development of the property, the developer shall contact the County Weed Officer to determine whether an inspection of the property for all new and invasive and noxious weeds is required. If required by the County Weed Officer, the developer shall be responsible for implementing a Weed Control Plan as approved by the County Weed Control Office. The developer shall provide a copy of the Weed Officer's report and required weed control plan to the Stark County Zoning Administrator.**
- 7. The developer shall work in concert with law enforcement and emergency responders to facilitate public safety.**
- 8. The developer shall be responsible for dust control and erosion control during construction of the project.**
- 9. Development and operation of the project shall be performed in accordance with all applicable County, State and Federal rules and regulations.**
- 10. Zoning of the property shall revert back to Agriculture if development of the project does not begin within two (2) years of approval of the Commercial Zoning District by the Stark County Commission.**

The request is consistent with the following objective of the Stark County Comprehensive Plan:

ECONOMIC DEVELOPMENT-Strive for a well-rounded, stable economic foundation for the county.

The request is consistent with the following implementation strategies of the Stark County Comprehensive Plan:

ECONOMIC DEVELOPMENT-Strive for a well-rounded, stable economic foundation for the county.

ECONOMIC DEVELOPMENT-Coordinate plans to ensure an adequate supply of industrial and commercial land in appropriate locations.

LAND USE- Provide for proper growth management practices.

LAND USE-Avoid conflicts between land uses.

Prior to the division of the subject parcel into two or more lots, tract or parcels, the developer shall comply with the requirements of Article VII “Subdivision Regulations” of the Stark County Zoning Ordinance. No building permits shall be issued for any additional lots that area created without going through the County’s subdivision process.

Chairman Hoff opened the public hearing on a request from The Richard Koppinger Land Trust. The request is for a conditional use permit for an anhydrous ammonia storage tank to be located in the NE ¼ of Section 35, Township 140, Range 98 containing approximately 15 acres.

Chairman Hoff asked for anyone to speak either for or against the conditional use permit for an anhydrous ammonia storage tank. Chairman Hoff closed the public hearing.

Kurt Froelich moved to recommend to the Stark County Board of Commissioners the approval for a conditional use permit for an anhydrous ammonia storage tank to be located in the NE ¼ of Section 35, Township 140, Range 98 containing approximately 15 acres following staff recommendations for The Richard Koppinger Land Trust.

Klayton Oltmanns seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed conditional use based upon the following findings:

1. The location of the proposed project should not adversely impact the existing agricultural uses in the vicinity; and
2. The conditional use permit shall to limited through the inclusion of the following conditions.
 - a. **A single 30,000-gallon anhydrous ammonia storage tank and associated facilities shall be permitted.**
 - b. **The location of the anhydrous ammonia storage tank and associated facilities shall be as generally shown on the site plan received by Stark County received on November 8, 2016.**
 - c. **Approval of the conditional use permit shall be contingent upon approval of a companion rezoning scheduled for public hearing at the December 1, 2016 Stark County Planning and Zoning Board meeting.**
 - d. **The developer shall be responsible for all maintenance associated with the anhydrous ammonia facility.**
 - e. **Any proposed change of the conditional use permit shall require a hearing before the Stark County Planning and Zoning Board and approval from the Stark County Commission.**
 - f. **Development of the anhydrous ammonia storage facility shall be performed in accordance with the standards in “ANSI K61.1-Storage and Handling of Anhydrous Ammonia” as well as with all applicable County, State and Federal rules and regulations.**

The request is consistent with the following objectives of the Stark County Comprehensive Plan:

ECONOMIC DEVELOPMENT-Strive for a well-rounded, stable economic foundation for the county.

ECONOMIC DEVELOPMENT-Coordinate plans to ensure an adequate supply of industrial and commercial land in appropriate locations.

LAND USE- Provide for proper growth management practices.

LAND USE-Avoid conflicts between land uses.

Chairman Hoff opened the hearing on a request from Whiting Oil and Gas Corporation is requesting a Minor Subdivision Plat of the Whiting Subdivision located in the NW ¼ of Section 17, Township 139, Range 99 containing approximately 63.32 acres. The applicant wishes to create three separate platted lots on the property.

Chairman Hoff asked for anyone to speak either for or against the Minor Subdivision Plat of the Whiting Subdivision. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval for the Minor Subdivision Plat of the Whiting Subdivision located in the NW ¼ of Section 17, Township 139, Range 99 containing approximately 63.32 acres following staff recommendations for Whiting Oil and Gas Corporation. Klayton Oltmanns seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed final plat received by Stark County on November 8, 2016.

Chairman Hoff opened the hearing on a request from Whiting Oil and Gas Corporation is requesting a Minor Subdivision Plat of the Oil Terminal Subdivision located in the N ½ of Section 14, Township 140, Range 99 containing approximately 30 acres. The applicant wishes to create two separate platted lots on the property.

Chairman Hoff asked for anyone to speak either for or against the Minor Subdivision Plat of the Oil Terminal Subdivision. Chairman Hoff closed the public hearing.

Scott Decker moved to recommend to the Stark County Board of Commissioners the approval for the Minor Subdivision Plat of the Oil Terminal Subdivision located in the N ½ of Section 14, Township 140, Range 99 containing approximately 30 acres following staff recommendations for Whiting Oil and Gas Corporation. Kurt Froelich seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed final plat received by Stark County on November 8, 2016.

Klayton Oltmanns moved to adjourn, Jay Elkin seconded.