

Stark County Planning and Zoning Commission Minutes

January 28, 2016
3:00 pm

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

Sue Larsen moved to approve the minutes from the December 22, 2015 meeting. Duane Grundhauser seconded. All voted Aye and motion carried.

Chairman Hoff opened the public hearing on a request from Rick Adams of KGI Wireless. The request is for a conditional use permit for a 150 foot monopole communications tower on a parcel located in Cutoff Area Section 33, Township 140, Range 95 containing approximately 3.7 acres on a lease area of approximately 0.041 acres.

Chairman Hoff asked for anyone to speak for or against the conditional use permit for Rick Adams. Chairman Hoff closed the public hearing.

Sue Larsen moved to recommend to the Stark County Board of Commissioners the approval conditional use permit for a 150 foot monopole communications tower on a parcel located in Cutoff Area Section 33, Township 140, Range 95 containing approximately 3.7 acres on a lease area of approximately 0.041 acres following staff recommendations for Rick Adams of KGI Wireless.

Kurt Froelich 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 shall to limited through the inclusion of the following conditions:
 - a. **Development shall be limited to a self-supported telecommunications tower and accessory equipment;**
 - b. **The equipment compound shall not be used for storage of any excessive equipment, hazardous waste, or habitable space. No outdoor storage shall be allowed on site;**
 - c. **The maximum height of the radio tower shall be limited to 190 feet;**
 - d. **The location of the tower and accessory building shall be as shown on the drawings submitted with the CUP application dated December 4, 2015 and on the aerial photograph submitted on January 5, 2016;**
 - e. **The developer shall be responsible for all maintenance associated with the tower, the tower compound and the roads accessing the tower;**
 - f. **The tower shall allow for co-location of four additional providers;**
 - g. **The developer shall provide a six-foot fence around the perimeter of the tower compound. Chain-linked fences shall be painted or coated with a non-reflective color;**

- h. **Prior to building permit issuance, the developer shall submit a letter from the Federal Aviation Administration (FAA) stating that the tower does not exceed the maximum height permitted under FAA rules;**
- i. **Signs located at the telecommunications facility shall be limited to ownership and contact information, Federal Communications Commission antenna registration number (if required), and any other information as required by government regulation. Commercial advertising is strictly prohibited;**
- j. **Unless required by the Federal Communications Commission or the Federal Aviation Authority, the telecommunications tower shall not be lighted;**
- k. **Security lighting for the equipment shelter shall be confined to the boundaries of tower site;**
- l. **The tower shall be constructed of galvanized material and shall be of an appropriate color to harmonize with the surroundings;**
- m. **Any proposed change of use of the tower, increase in height or change of location shall require a hearing before the Stark County Planning and Zoning Board and approval as well as approval from the Stark County Commission;**
- n. **Development of the radio tower shall be performed in accordance with all applicable County, State and Federal rules and regulations; and**
- o. **The service provider shall report to the Zoning Administrator if the telecommunications tower facility is no longer in use. The telecommunications tower facility shall be removed, at the service provider's expense, within six (6) months of this notice and the site shall be restored by the service provider to its pre-existing condition.**

The subject property is currently zoned Agriculture. As there are no habitable structures on the surrounding properties within 190 of the proposed tower base, and as the surrounding area is undeveloped and appears to be in agricultural use, the proposed conditional use is consistent with the following objective of The Stark County Comprehensive Plan:

- **LAND USE-Avoid conflict between land uses.**

Chairman Hoff opened the public hearing on a request from Rick Adams of KGI Wireless. The request is for a conditional use permit for a 190 foot self-supported communications tower on a parcel located in the SE ¼ of Section 3, Township 140, Range 95 containing approximately 157.01 acres on a lease area of approximately 0.23 acres.

Chairman Hoff asked for anyone to speak for or against the conditional use permit for Rick Adams. Chairman Hoff closed the public hearing.

Duane Grundhauser moved to recommend to the Stark County Board of Commissioners the approval conditional use permit for a conditional use permit for a 190 foot self-supported communications tower on a parcel located in the SE ¼ of Section 3, Township 140, Range 95 containing approximately 157.01 acres on a lease area of approximately 0.23 acres following staff recommendations for Rick Adams of KGI Wireless.

Sue Larsen seconded. Roll call vote. All voted Aye and the motion carried.

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

3. The location of the proposed project should not adversely impact the existing agricultural uses in the vicinity; and
4. The conditional use shall to limited through the inclusion of the following conditions:
 - a. **Development shall be limited to a self-supported telecommunications tower and accessory equipment;**
 - b. **The equipment compound shall not be used for storage of any excessive equipment, hazardous waste, or habitable space. No outdoor storage shall be allowed on site;**
 - c. **The maximum height of the radio tower shall be limited to 190 feet;**
 - d. **The location of the tower and accessory building shall be as shown on the drawings submitted with the CUP application dated December 4, 2015 and on the aerial photograph submitted on January 5, 2016;**
 - e. **The developer shall be responsible for all maintenance associated with the tower, the tower compound and the roads accessing the tower;**
 - f. **The tower shall allow for co-location of four additional providers;**
 - g. **The developer shall provide a six-foot fence around the perimeter of the tower compound. Chain-linked fences shall be painted or coated with a non-reflective color;**
 - h. **Prior to building permit issuance, the developer shall submit a letter from the Federal Aviation Administration (FAA) stating that the tower does not exceed the maximum height permitted under FAA rules;**
 - i. **Signs located at the telecommunications facility shall be limited to ownership and contact information, Federal Communications Commission antenna registration number (if required), and any other information as required by government regulation. Commercial advertising is strictly prohibited;**
 - j. **Unless required by the Federal Communications Commission or the Federal Aviation Authority, the telecommunications tower shall not be lighted;**
 - k. **Security lighting for the equipment shelter shall be confined to the boundaries of tower site;**
 - l. **The tower shall be constructed of galvanized material and shall be of an appropriate color to harmonize with the surroundings;**
 - m. **Any proposed change of use of the tower, increase in height or change of location shall require a hearing before the Stark County Planning and Zoning Board and approval as well as approval from the Stark County Commission;**
 - n. **Development of the radio tower shall be performed in accordance with all applicable County, State and Federal rules and regulations; and**
 - o. **The service provider shall report to the Zoning Administrator if the telecommunications tower facility is no longer in use. The telecommunications tower facility shall be removed, at the service provider's expense, within six (6) months of this notice and the site shall be restored by the service provider to its pre-existing condition.**

The subject property is currently zoned Agriculture. As there are no habitable structures on the surrounding properties within 190 of the proposed tower base, and as the surrounding area is undeveloped and appears to be in agricultural use, the proposed conditional use is consistent with the following objective of The Stark County Comprehensive Plan:

- **LAND USE-Avoid conflict between land uses.**

Chairman Hoff opened the public hearing on a request from Landon Schmidt. The request is for a zoning change from Agriculture to Rural Residential on a parcel located in the NE ¼ of Section 13, Township 140, Range 97 on approximately 6.00 acres.

Chairman Hoff asked for anyone to speak for or against the conditional use permit for Landon Schmidt. Chairman Hoff closed the public hearing.

Kurt Froelich moved to recommend to the Stark County Board of Commissioners the approval for a zoning change from Agriculture to Rural Residential on a parcel located in the NE ¼ of Section 13, Township 140, Range 97 on approximately 6.00 acres following staff recommendations for Landon Schmidt.

Sue Larsen seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed rezoning based upon the following finding:

- The proposed rezoning is consistent with the development pattern in the vicinity.

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

- LAND USE-Strive to protect the agricultural integrity of rural areas; and
- LAND USE-Avoid conflicts between land uses

Sue Larsen moved to adjourn, Daneen Dressler seconded.