

Stark County Planning and Zoning Commission Minutes

June 2, 2016
3:00 pm

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

Jay Elkin moved to approve the minutes from the April 28, 2016 meeting. Gene Jackson seconded. All voted Aye and motion carried.

Chairman Hoff opened the public hearing on a request from Ryan Rebel. The request is for a zoning change from agriculture to agriculture residential on a parcel located in the SW1/4 of the SW1/4 of the SW1/4 of Section 24, Township 140, Range 93 containing approximately 10 acres.

Chairman Hoff asked for anyone to speak either for or against the zoning change for Ryan Rebel. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval for a zoning change from agriculture to agriculture residential on a parcel located in the SW1/4 of the SW1/4 of the SW1/4 of Section 24, Township 140, Range 93 containing approximately 10 acres following staff recommendations for Ryan Rebel.

Duane Grundhauser 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.

Chairman Hoff opened the public hearing on a request from Ryan Rebel. The request is for a conditional use permit for a modular home on a parcel located in the SW ¼ of the SW ¼ of the SW ¼ of Section 24, Township 140, Range 93 containing approximately 10 acres.

Chairman Hoff asked for anyone to speak either for or against the conditional use permit for a modular home from Ryan Rebel. Chairman Hoff closed the public hearing.

Duane Grundhauser moved to recommend to the Stark County Board of Commissioners the approval for a conditional use permit for a modular home on a parcel located in the SW ¼ of the SW ¼ of the SW ¼ of Section 24, Township 140, Range 93 containing approximately 10 acres following staff recommendations for Ryan Rebel.

Byron Richard seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed conditional use permit 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 be limited through the inclusion of the following conditions.
 - a. **Approval of the conditional use permit shall be contingent on approval of the request to rezone the property to Agriculture Residential; and**
 - b. **Development and operation of the site shall be performed in accordance with all applicable County, State and Federal rules and regulations.**

Chairman Hoff opened the public hearing on a request from Brady and Samantha Martin. The request is for a zoning change from agriculture to agriculture residential on a parcel located in the SW1/4 Section 15, Township 137, Range 94 and in the SE1/4 of Section 16, Township 137, Range 94 containing approximately 11.02 acres.

Chairman Hoff asked for anyone to speak either for or against the zoning change for Brady and Samantha Martin. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval for the zoning change from agriculture to agriculture residential on a parcel located in the SW1/4 Section 15, Township 137, Range 94 and in the SE1/4 of Section 16, Township 137, Range 94 containing approximately 11.02 acres following staff recommendations for Brady and Samantha Martin.

Gene Jackson 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.

Chairman Hoff opened the public hearing on a request from Melissa Hochmuth of NextEra Energy Resources. The request is for a conditional use permit for a 60 foot microwave tower and control building on a parcel located in the NW1/4 of the NE1/4 of Section 29, Township 137, Range 98 containing approximately 160 acres on a lease area of approximately 3.5 acres,

Chairman Hoff asked for anyone to speak either for or against the conditional use permit for Melissa Hochmuth of NextEra Energy Resources. Jeff Anderson is neither for nor against. He requested that during condition the speed limit on the road to the site be lowered and a sign put in place warning drivers of a blind approach. Kurt Martin questioned the decommissioning bond. Chairman Hoff closed the public hearing.

Gene Jackson moved to recommend to the Stark County Board of Commissioners the approval for the conditional use permit for a 60 foot microwave tower and control building on a parcel located in the NW1/4 of the NE1/4 of section 29, township 137, range 98 containing approximately 160 acres on a lease area of approximately 3.5 acres following staff recommendations for Melissa Hochmuth of NextEra Energy Resources. A condition was added requiring the applicant meet with the County Road Superintendent regarding speed limits and additional signage along the adjacent roadway during construction.

Duane Grundhauser 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 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 monopole tower and control building to support a wind energy facility;**
 - b. **The maximum height of the radio tower shall be limited to 60 feet;**
 - c. **The location of the tower and building shall be as generally shown on the drawings received as part of the application dated March 16, 2016;**
 - d. **The developer shall be responsible for all maintenance associated with the tower;**
 - e. **The developer shall provide a six-foot chain link fence around the perimeter of the pad. This may be accomplished if the tower is placed within the six-foot fence surrounding the adjacent switchyard;**
 - f. **Prior to construction the applicant shall submit a fall letter signed by a structural engineer with a wet registered professional engineer's seal;**
 - g. **Prior to construction, 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;**
 - h. **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; and**
 - i. **Development of the microwave tower shall be performed in accordance with all applicable County, State and Federal rules and regulations.**
 - j. **The applicant shall report to the Zoning Administrator if the tower is no longer in use. The tower shall be removed, at the applicant's expense, within six (6) months of his notice and the site shall be restored by the applicant to its pre-existing condition.**
 - k. **Prior to construction of the tower and control building the applicant shall meet with the County Road Superintendent to discuss temporary speed limit reduction, additional traffic control signage and other traffic safety measures to be undertaken during construction. A letter signed by the County Road Superintendent outlining any additional road signage and traffic control measures shall be submitted along with the building permit application.**

Chairman Hoff opened the public hearing on a request from Esley “Butch” Pribyl. The request is for a Final Plat of the Green River Estates Second Subdivision on a parcel located in the SW4 and S2 of the NW4 of Section 35, Township 140, Range 95 containing approximately 91.60 acres.

Chairman Hoff asked for anyone to speak either for or against the Final Plat of the Green River Estates Second Subdivision for Esley “Butch” Pribyl. Chairman Hoff closed the public hearing.

County Planner Josephson noted that while most of the preliminary plat conditions were met by the applicant a road maintenance agreement between the County and the applicant has not been reached. Staff recommended the Planning and Zoning Board approve the final plat; however, the final plat should not go to the County Commission for approval until the road maintenance agreement is finalized.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval for a Final Plat of the Green River Estates Second Subdivision on a parcel located in the SW4 and S2 of the NW4 of Section 35, Township 140, Range 95 containing approximately 91.60 acres following staff recommendations for Esley “Butch” Pribyl.

Byron Richard seconded. Roll call vote. All voted Aye and the motion carried.

Steve Josephson, County Planner discussed whether the Planning and Zoning Board will have quorums on June 30, 2016 and July 29, 2016. He also reminded the Board that there will be a presentation on the airport zoning at the June 30, 2016 meeting.

As Gene Jackson is retiring from the City Commission he will be replaced by a different City Commissioner.

Gene Jackson moved to adjourn, Duane Grundhauser seconded.