

Stark County Planning and Zoning Commission Minutes

May 2, 2024
3:00 PM

Chairman Dean Franchuk called the meeting of the Stark County Planning and Zoning Commission to order. Chairman Dean Franchuk, Sue Larsen, and Michael LeMay were present, and Byron Richard, Kurt Froelich, Brock White, and John Odermann were absent. Suzi Sobolik and Paul Clarys attended via phone. Also present were County Planner Steve Josephson, State's Attorney Amanda Engelstad, and Nicole Roberts from the Auditor's office.

Ratify Agenda: Planner Steve Josephson stated that there were no additions or deletions to the agenda. Sue Larsen seconded. All voted Aye and motion carried.

Agenda Item 1: Michael LeMay moved to approve the minutes from the March 28, 2024. Sue Larsen seconded. All voted Aye and motion carried.

Agenda Item 2: Chairman Franchuk opened the public hearing RZ 03-24- Austin and Danielle Harper are requesting a rezoning from Agriculture to Agricultural Residential on property located in the NE ¼ of the NE ¼ of Section 35, Township 139 North, Range 96 West containing approximately 40.02 acres.

Chairman Franchuk asked anyone to speak either for or against the rezoning from Agriculture to Agricultural Residential.

Chairman Franchuk closed the public hearing.

Michael LeMay moved to recommend to the Stark County Board of Commissioners the approval of RZ 03-24 rezoning from Agriculture to Agricultural Residential located in the NE ¼ of the NE ¼ of Section 35, Township 139 North, Range 96 West containing approximately 40.02 acres following staff recommendation for Austin and Danielle Harper.

Sue Larsen seconded. Roll call: Commissioners: - Michael LeMay aye, – Sue Larsen aye, - Suzi Sobolik aye, - Paul Clarys aye, and Chairman Franchuk-aye. Motion carried.

STAFF RECOMMENDATION: APPROVAL OF THE PROPOSED REZONING BASED UPON THE FOLLOWING FINDING:

- The proposed rezoning is consistent with the zoning and land use patterns 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.

Agenda Item 3: Chairman Franchuk opened the public hearing for MSP 02-24- Austin and Danielle Harper are requesting approval of a minor subdivision plat of the Harper Estates Subdivision on property located in the NE ¼ of the NE ¼ of Section 35, Township 139 North, Range 96 West containing approximately 40.02 acres.

Chairman Franchuk asked anyone to speak either for or against the Harper Estates Subdivision.

Chairman Franchuk closed the public hearing.

Sue Larsen moved to recommend to the Stark County Board of Commissioners the approval of MSP 02-24 a minor subdivision plat of the Harper Estates Subdivision on property located in the NE ¼ of the NE ¼ of Section 35, Township 139 North, Range 96 West containing approximately 40.02 acres following staff recommendation for Austin and Danielle Harper.

Michael LeMay seconded. Roll call: Commissioners: Sue Larsen -aye, – Michael LeMay aye, - Suzi Sobolik aye, - Paul Clarys aye, and Chairman Franchuk-aye. Motion carried.

STAFF RECOMMENDATION: Based upon the application submitted on March 18, 2024, and the revised material received on April 28, 2024, staff finds the proposed subdivision plat is consistent with the Stark County Zoning Ordinance.

Agenda Item 4: Chairman Franchuk opened the public hearing MSP 03-24- Bryan and Kylee Nelson and Brandon and Heather Blum are requesting approval of a minor subdivision plat of the Dittus Minor Subdivision on a property legally described as Lot 2, Block 1 Less 2 Tracts in the Dittus Subdivision located in the W ½ of the SW ¼ of Section 13, Township 140 North, Range 95 West containing approximately 3.77 acres.

Chairman Franchuk asked anyone to speak either for or against the Dittus Minor Subdivision.

Tyler Hoffer read from-a subdivision abstract regarding a minimum lot size requirement of five acres. There was discussion regarding the following:

- The County does not enforce restrictive covenants.
- The original owners amended the original restrictive covenants to reduce the minimum lot size from five acres to one-half acre; and
- It is likely the proposed Dittus Minor Subdivision, if approved and recorded, would no longer be subject to previously recorded restrictive covenants.

Chairman Franchuk closed the public hearing.

Michael LeMay moved to recommend to the Stark County Board of Commissioners the approval of MSP 03-24 for a minor subdivision plat of the Dittus Minor Subdivision on a property legally described as Lot 2, Block 1 Less 2 Tracts in the Dittus Subdivision located in the W ½ of the SW ¼ of Section 13, Township 140 North, Range 95 West containing approximately 3.77 acres following staff recommendation for Bryan and Kylee Nelson and Brandon and Heather Blum.

Sue Larsen seconded. Roll call: Commissioners: - Sue Larsen aye, – Michael LeMay aye, Suzi Sobolik aye, - Paul Clarys aye, and Chairman Franchuk-aye. Motion carried.

STAFF RECOMMENDATION: Based upon the application submitted on April 8, 2024, and the revised material received on April 28, 2024, staff finds the proposed subdivision plat is consistent with the Stark County Zoning Ordinance.

Agenda Item 5: Chairman Franchuk opened the public hearing MSP 04-24. John and Amanda Schnaidt are requesting approval of a minor subdivision plat of the Bakken Estates 2nd Subdivision on property legally described as Lots 6 and 7, Block 1, of Bakken Estates located in Government Lot 4, Section 4, Township 139 North, Range 94 West containing approximately 3.80 acres.

Chairman Franchuk asked anyone to speak either for or against the Bakken Estates 2nd Subdivision.

Chairman Franchuk closed the public hearing.

Michael LeMay moved to recommend to the Stark County Board of Commissioners the approval of MSP 04-24- a minor subdivision plat of the Bakken Estates 2nd Subdivision on property legally described as Lots 6 and 7, Block 1, of Bakken Estates located in Government Lot 4, Section 4, Township 139 North, Range 94 West containing approximately 3.80 acres following staff recommendations for John and Amanda Schnaidt.

Sue Larsen seconded. Roll call: Commissioners: - Michael LeMay aye, - Sue Larsen aye, –Suzi Sobolik aye, - Paul Clarys aye, and Chairman Franchuk-aye. Motion carried.

STAFF RECOMMENDATION: Based upon the application submitted on April 8, 2024, staff finds the proposed subdivision plat is consistent with the Stark County Zoning Ordinance.

Based upon the findings in this staff report, staff recommends approval, subject to the following condition:

STAFF RECOMMENDATION: Based upon the application submitted on April 8, 2024, and the revised material received on April 28, 2024, staff finds the proposed subdivision plat is consistent with the Stark County Zoning Ordinance.

Planner Items: Planner Josephson discussed whether the entire May 30, 2024, Planning and Zoning Commission meeting should be dedicated to the Comprehensive Plan workshop, or if any submitted planning and zoning applications should be heard. Chairman Franchuk advised Josephson to go ahead and schedule any P & Z applications that are submitted.

Sue Larsen moved to adjourn. Paul Clarys seconded. All voted Aye and the motion carried.