

PLANNING AND DEVELOPMENT COMMITTEE MEETING

September 16th, 2014

Members Present:

Bill Meyer
Brad Maxwelld
Kelly Tracy
Brenda Roosevelt
Helen Hawkins
Mick Madison

Members Absent:

Jack Minner

Others Present:

Matt Brandmeyer
Tom Hawkins
Derek Jackson
Kim Petzing
Andi Campbell
Mike McGwire
Pastor Frank Crossin
Joe Phillips
Amy McCord
Frank Nation
Randy Dickman
Therese Dickman

ITEMS DISCUSSED/VOTES:

Meeting was called to order by Chairman Bill Meyer.

Kelly Tracy made a motion to approve minutes from September 4th, 2014. Seconded by Brenda Roosevelt. Motion approved. All ayes.

Citizens wishing to address the Committee:

Mike McGwire, representative of Piros Signs, Inc., addressed the committee in regard to their petition on behalf of Apostolic Revival Church of Highland, owner of record, requesting sign variances for size, height, and light emitting diodes (LED). Mr. McGwire stated that the church approached them seeking to install a modern LED messages center sign. He stated that these types of signs are not just for looks, but are used to help companies increase revenue and awareness. Mr. McGwire stated that, considering the speed limit along Route 143, the proposed sign is quite small, and if they go any smaller the sign will not be effective.

Pastor Frank Crossin of Apostolic Revival Church of Highland spoke on behalf of the Piros Signs petition. Pastor Crossin stated that the sign may seem large for the current needs of the church, but they are planning for the future. He stated that the church has a young, expanding congregation and will likely build a larger church once the current building is paid off. Pastor Crossin also stated there has been a security light issue with an adjoining property owner, but that they have tried to be accommodating by adding a shield to the lighting fixture. He stated that he doesn't want to infringe on anyone's rights, but does not believe that there is a lighting issue with the proposed sign and hopes that they are able to erect the sign as they desire.

Joe Philips also spoke in support of the Piros Signs petition. Mr. Phillips stated that he handled the technical aspects of the sign as well as the light measurements that were presented to the Committee. Mr. Philips stated that the measurements he took were conducted on a 50 square foot sign, which is twice as large as the sign being proposed. Mr. Philips stated that from 200 feet back, the sign gave off virtually no additional light than the background light that was already there. He stated that the proposed sign would be less bright than the standard incandescent sign, which meets county code, as they do not have the dimming capabilities of the proposed LED sign.

Amy McCord, applicant and purchaser of property, spoke in regard to her petition requesting a Special Use Permit in order to operate a dog kennel on site at 1915 Steinkoenig School Road in Highland. Ms. McCord explained the business model and hours of operation for the kennel. She also described the measures she will be taking to reduce noise and light pollution for surrounding property owners.

Frank Nation, applicant and property owner at 1288 Acorn Road, spoke in regard to his petition for a Variance in order to construct a dwelling 35 feet from the property line instead of the required 50 feet. Mr. Nation stated that the existing improvements to the property, which include a driveway, waterline, electric box, and septic tank, would make it difficult to locate the house in accordance with the 50 foot setback requirement. He also stated that the proposed site for the dwelling is the highest elevation on the property. Mr. Nation stated that he's had the septic system inspected by a licensed installer and was informed that it can be activated and is an adequate size to support a 3-bedroom home.

Randy Dickman, resident and owner of 1244 Acorn Road, Highland, addressed the committee in regard to the petition of Frank Nation. Mr. Dickman stated that he is opposed to the Variance because of the agricultural issues caused when a dwelling is located that close to the property line. Mr. Dickman also stated that during the on-site public hearing he asked if Mr. Nation could build his home adhering to the 50 foot setback requirement, and never received an answer. Mr. Dickman went on to say that the driveway and waterline going in should not be much of a deterrent as the driveway is very minimal and the water line will have to be cut and attached to the home either way. He also stated that the footing of the house could be raised slightly to overcome any elevation issues that may exist with the existing septic system. Mr. Dickman concluded by saying that he does not believe Mr. Nation went through the process of considering all the possible solutions to his stated hardships.

Therese Dickman, owner and resident of 1244 Acorn Road, also spoke against Mr. Nation's petition for a fifteen (15) foot variance. Mrs. Dickman stated that there were eleven individuals from rural areas in Madison County present at the hearing to speak against the Mr. Nation's petition. She stated that the Madison County 2020 comprehensive plan addresses that we are a right-to-farm state and quoted a section within the plan which read, "new, non-farm neighbors must contend with odors, dust, noise, and other conditions naturally present in agricultural areas." Mrs. Dickman went on to say that building closer to an agricultural property can put a person at somewhat greater risk for the health conditions that come along with these conditions.

She also stated that the Committee's decision will have a greater impact than just 15 feet, as there are safety, privacy, and health issues to consider.

Judy Kuhn, District 1 County Board Member, submitted a letter of opposition to Mr. Nation's petition. Mrs. Dickman submitted an additional letter of opposition signed by 4 area property owners to supplement those already on record.

Brenda Roosevelt asked Mr. Dickman if there was a law in place prohibiting him from using farm ground within 35 feet of a dwelling to support his estimated loss in crop production and income. Mr. Dickman stated that there is no law in place, but that he does have safety concerns for the inhabitants of the dwelling.

Old Business:

Kelly Tracy spoke in regard to the Piros Signs petition. Ms. Tracy pointed out that most of the sign variances granted have been in heavily populated districts, not in residential areas. She stated that the people she has spoken with are concerned about having a Vegas-style sign in the middle of a residential area. Ms. Tracy proposed that the new sign not be any larger than the existing, non-compliant sign and only operate between the hours of 6am and 9pm.

Matt Brandmeyer added that Piros Signs, Inc. and the church proposed a 90% reduction in brightness for the sign.

Derek Jackson clarified that Kelly Tracy is proposing to deny the height and sign variances and approve the LED variance with the condition of time of operation.

Kelly Tracy made a motion to approve the LED variance and deny the variances for size and height with the condition that the LED portion only operate between the hours of 6am and 9pm for zoning file Z14-0023. Seconded by Brad Maxwell. Motion approved. All ayes.

New Business:

Kelly Tracy made a motion to approve Resolutions, Zoning Board of Appeals' Findings of Fact, and Recommendations for August 28th, 2014 for files Z14-0035, Z14-0032, and Z14-0033. Seconded by Brenda Roosevelt. Motion approved. All ayes.

Brenda Roosevelt made a motion to approve Resolutions, Zoning Board of Appeals' Findings of Fact, and Recommendations for September 9th, 2014 for file Z14-0028. Seconded by Mick Madison. Motion approved. All ayes.

Derek Jackson presented Burns' Subdivision – Minor Subdivision Plat to the Committee. Mr. Jackson explained that the request is for a two (2) lot minor subdivision. Mr. Jackson stated that the applicant is utilizing an access easement and that the maintenance agreement and minimum zoning requirements were satisfied. Mr. Jackson also stated that there is a note on the subdivision that all future private sewage systems would be sub-surface. Kelly Tracy made a motion to approve Burns' Subdivision – Minor Subdivision Plat. Seconded by Brad Maxwell. Motion approved. All ayes.

Derek Jackson presented Plocher Subdivision – Minor Subdivision Plat to the Committee. Mr. Jackson explained that the request is for a four (4) lot minor subdivision. Mr. Jackson stated that the property is

located within one and one half miles of Highland, and Highland has opted out of the review process. Mr. Jackson explained that the applicant is utilizing an access easement and that the maintenance agreement and minimum zoning requirements were satisfied. Kelly Tracy made a motion to approve Plocher Subdivision – Minor Subdivision Plat. Seconded by Mick Madison. Motion approved. All ayes.

Derek Jackson presented Shadow Woods Phase II – Final Plat to the Committee. Mr. Jackson explained that proposed road and improvements are not completed yet, but that a letter of credit has been submitted. Mr. Jackson stated that the applicant has submitted subdivision covenants and regulations requiring maintenance of two common areas within the subdivision. Mr. Jackson stated that Jarvis Township and the City of Troy have reviewed and support the proposal. Kelly Tracy made a motion to approve Shadow Woods Phase II – Final Plat. Seconded by Brenda Roosevelt. Motion approved. All ayes.

Derek Jackson presented Schaefer Subdivision – Minor Subdivision Plat to the Committee. Mr. Jackson explained that the request is for a one (1) lot minor subdivision. Mr. Jackson stated that there is an existing access easement which was created in 1995 and an updated maintenance agreement has been provided. Mr. Jackson stated that minimum zoning requirements were satisfied. Kelly Tracy made a motion to approve Schaefer Subdivision – Minor Subdivision Plat. Seconded by Brenda Roosevelt. Motion approved. All ayes.

Kelly Tracy made a motion to approve the Purchase Order Report. Seconded by Helen Hawkins. Motion approved. All ayes.

Administrator’s Report:

Kim Petzing provided an update on the Green Schools Program. She stated that she will soon be receiving application for the Green Schools Grant and that we have a \$26,000 in tipping fee funds to allocate to schools within the county.

Brad Maxwell proposed moving one meeting per month to 4pm or later to better accommodate the public.

Adjournment:

Kelly Tracy made a motion to adjourn meeting. Seconded by Brenda Roosevelt. Motion approved. All ayes.

Meeting adjourned.