

BOARD OF ZONING APPEALS MINUTES

Monday, April 20, 2009

7:00 P.M.

A. ROLL CALL

Members Present:

Mike Hall – Chairman
Nicole Daily
Ken Nelson
Rick Pope

Mark McCormack – Director of Planning
Arnold McGill – Attorney
Ashley Webb – Enforcement Officer

Members Absent:

Jim Deaton

B. ACTION ON MINUTES

Mr. Pope made a motion to approve the March 10, 2009 minutes as corrected.
Mrs. Daily seconded. All in favor. None opposed. Motion carried.

C. OLD BUSINESS SCHEDULED TO BE RE-OPENED

There was no old business.

D. OLD BUSINESS TO REMAIN TABLED

There was no old business.

E. NEW BUSINESS

1. Request:	Conditional Use for a store-n-lock facility.
Applicant:	Mike Hall / Owner: Richard Renck
Site Location:	Hyland Lane
Legal:	Sec.23, T7, R2, Map #02-23, Parcel #006.001
Township:	Kelso Size: 4.113 Acres
Zoning:	Restricted Business (B-1)

Mr. Hall states that he has a conflict of interest and steps down from the Board and leaves the room. Mrs. Daily chairs the Board.

Ms. Webb states that the Applicant is requesting a conditional use to permit construction and operation of a 196-unit store-n-lock facility with 3 office buildings. She states that issues to be addressed during the Major Site Review process include the proximity and visibility of the site to the adjoining properties, the parking and loading requirements, lighting requirements, and buffering requirements. Ms. Webb presents the staff report and shows slides.

Mrs. Daily questions the zoning of the surrounding area, and if there are any concerns with the driveway spacing. She also asks what types of businesses are being proposed for the office buildings.

Mr. Nelson questions if there is adequate sewer service and if there are any concerns with the amount of traffic that will be generated by the office buildings.

Ms. Webb explains that the surrounding area is predominately zoned agricultural, and that driveway spacing is not an issue due to the road being classified as a local road. She further states that the applicant can address the types of businesses and sewer provisions.

Mr. Mark McCormack, Planning Director, states that the proposed office space is an allowable use under the B-1 zone. He clarifies that the Conditional Use is for the store-n-lock facility only.

Mrs. Teresa Hall, Mike Hall Land Survey, begins by addressing the buffering concerns, stating that the Renck's own the majority of the surrounding property, with a golf course adjoining them. There are existing pine trees along the left side property line and the Renck's would like to keep the view from State Road 1 to better generate business. She explains that the commercial buildings proposed towards the front of the property will buffer the neighbors from the store-n-lock facilities. The parking will be located between the office buildings and store-n-lock with lighting directed inwards towards the property. She feels that since the surrounding area has a church and small businesses, that this proposal fits in accordance with the existing area and is a nice fit with this property.

Mr. Sam Renck states that they are proposing uses that are permitted within the Restricted Business (B-1) zone: realtor, doctor offices, etc.

Mr. Nelson asks if the front setback will be 50ft. from the center of the road for the proposed office buildings.

Mrs. Hall states that is correct, 50ft. from the centerline and 20ft. from the right-of-way.

No public to comment.

Mr. Pope feels this is a good fit for the neighborhood.

Mrs. Daily states that she has no concerns with this request and understands that the parking requirements will be handled through the Site Review Process.

Mr. Nelson made a motion to approve the conditional use for a storage facility, with the condition that the plans be submitted to staff to address lighting issues, security, hours of operation, storm water retention, and site plan review requirements. In consideration of the criteria that this request will not endanger public health and morals, will be designed and constructed to be harmonious and appropriate with appearance, is adequately served by public facility services, and will not cause traffic congestion or dust nuisance on the existing street. Mr. Pope seconded. All in favor. None opposed. Motion carried.

Mr. Hall returns to the Board as Chairman.

2. Request:	Conditional Use for the location of a water tower.
Applicant:	N. Dearborn Water Corp / Owner: Robert Hartman
Site Location:	North Dearborn Rd. & Ester Ridge Rd.
Legal:	Sec.32 , T7, R2, Map #02-32, Parcel #002
Township:	Jackson Size: 1 Acres
Zoning:	

Ms. Webb states that the Applicant is requesting a conditional use to construct a water tower on a proposed 1 acre tract of their property. She states that the proposal would require one access point off Ester Ridge Road, and would be enclosed by 90ft. of square chain-link fence that would be 6ft. tall. Ms. Webb presents the staff report and shows slides.

Mrs. Daily questions if this conditional use would permit for other towers to be placed on this property in the future.

Ms. Webb states that additional approvals would be required for additional towers.

Mr. Nelson questions where the water for this tower comes from.

Mr. Dennis Kraus, Kraus Surveying, states that the Hartman's are requesting a conditional use to permit a water tower on their property because of the demand for additional capacity. He explains that in emergency conditions the water levels drop dangerously low, and that this tower would increase the safety by increasing the water supply for fire protection and during peak time of use. This proposed tower would also maintain and create service to customers within the southern and western areas. He states that the water comes from wells along the Whitewater River that will be inner connected. Mr. Kraus presents the Board with a letter from the property owners asking for approval tonight.

Mr. Hall asks if the proposed tower meets the setback requirements.

Mr. Kraus states that the setbacks he used are requirements for the Agricultural Zoning District. He further states that there are no plans for a cell tower on the property and if the need arises they would be back before the Board for a new request.

Mr. Robert Curry, Consulting Engineer for North Dearborn Water Corporation, explains that his firm completes a master plan every 5 years with recommendations to be implemented the following year. He states that they are currently running at 50% capacity and are in need of new lines and a tower to store water from the wells on the Whitewater River. This location would elevate the elevation storage issues while creating minimal traffic concerns on the road. He presents pictures of the proposed tank (similar to Versailles water tank) which would be remotely monitored.

Open public comment.

Ms. Connie Heil, North Dearborn Road, feels that the presentation tonight is deceiving, there are more homes in the area than being shown. She states that she was approached by the water company and told them she was not interested. She does not want this on her property and does not want to see it around her; she feels it will devalue her property.

Mr. Doug Holtkamp, Woliung Road, states that he left Ohio for the rural character in Dearborn County. He looked at a lot of homes, and did not want any lots with towers or electric power lines next to his home. He feels that the resale market is only going to get worse, and that this water tower would devalue his property. He suggests that the new tower be placed behind the old tower where the infrastructure already exists.

Ms. Peggy Smith, Fox Run Lane, state that she is opposed to this tower and presents a petition from 17 families opposing this proposal.

Mr. Tim Braun, Woliung Road, states that he has been in construction for 10 years and feels that the expansion could be done on the existing site, reducing the negative impact on the neighborhood. The presentation tonight shows this as a benefit to the community; however he is concerned with loosing tax revenue from possible new developments that will not locate here now because of a water tower being visible. He further states that the ability for him to sell his own land would be made difficult. He would like to know what the reason is for not using the existing site. There is not much difference in elevation 10ft. to 15ft. and using the existing site would save the town money. He is strongly opposed to this proposal and has contacted an attorney to assist him with his suit.

Ms. Melinda McFadden states that she is concerned with her property values decreasing. She feels it would be more economical to locate the tower next to the existing tower. She also states that she didn't receive any notice of this meeting being held tonight. (Notice sent to previous address and received back in office with no forwarding order.)

Close public comment.

Mr. Curry explains that during the research phase there were several optional properties; however this site best meets the needs for the elevation of the tower to obtain maximum use of the tower in the most cost effective manner. He further states that if the Conditional Use would be granted, they still have to go through State for approvals and IDEM permits.

Mr. John Watson, Attorney for North Dearborn Water Corporation, states that locating the tower in the New Alsace area would cost approximately 20% more than using this proposed site.

Mr. Nelson asks if placing the tower behind the existing tower would require additional acreage to be secured. He also questions the plans for running new lines.

Mrs. Daily asks if the proposed site is owned by the water company at this time. She also questions the distance between the two sites (existing and proposed).

Mr. Watson states that the property is under contract contingent upon the Conditional Use approval.

Mr. Curry states that the existing site would require additional acreage to place a new tower, which is approximately 6500ft. from the site being proposed. He also explains that the old site uses 6in. lines and in order for the new tower to function properly the lines need to be 8in. lines.

Mr. Gary Gaynor, North Dearborn Water Corporation Line Superintendent, explains that the proposed new lines are to include distribution mains to loop the infrastructure and allow water to flow in and out of this tank more cost efficiently.

Mrs. Daily asks why the front corner of the lot was chosen to locate the water tower instead of the rear of the lot.

Mr. Curry states that the topography of the land delineates this to be the best spot for the location. He also states that sight distance requirements can be met for North Dearborn Road.

Mr. Watson states that the water company is a public non-for-profit organization with day to day operations and peak summer use. He explains that the proposed tank would allow better coverage throughout the seasons. He further clarifies that the money being used is stimulus money and not grant money.

Mr. Stewart Kline states that there is a 5-year plan and much consideration was put into this decision and location. He is willing to present documentation of the study if needed. He further states that it has always been known that the tank would serve western and southern portion of the city.

Mr. Braun states that he is still concerned with the market of homes not being built and user costs rising. He also states that the type of tower chosen makes a difference in the location when looking at elevation heights for the water level. He feels if the money is being borrowed for the good of the community, then why can not the tower be located on Schantz Road for the good of the community.

Mrs. Daily states that she understands the concerns expressed; however, improving the water system is important for the community. She grew up with cisterns and new towers being placed in the areas as service improved; she feels this is needed.

Mr. Nelson states that he wants to hear that this is a better site because it makes the water distribution work better. He feels that \$200,000.00 is not a significant enough difference to be justifiable for this request. He further explains that he has had experience in developing next to water towers and has sold lots when other developments were not selling.

Mr. Pope states that distribution and efficiency of distribution for the future growth should be the criteria tonight. He asks if other sites were studied on Schantz Road or Legion Road. He also explains that he lived near high power lines for years, and after time, he never noticed them.

Mr. Kline explains the long range plan, which includes continuing the line down Schantz Road and looping to York Ridge Road to accommodate future growth. He states that this proposed site best accommodates this plan. Too far north or east would not allow for this looping to occur.

Mr. Hall asks where the territory ends.

Mr. Watson explains that the corporation is public non-for-profit and not a water district; they do not have a territory.

Mr. Stewart states that additional studies could be done, but the window of opportunity is now. If the stimulus is missed and the interest rates raise, the project will not be possible. He states that the Board of Directors did review various potential project sites and funding. All have to balance and this proposal best serves the community.

Mrs. Daily asks what makes the existing tower obsolete.

Mr. Gary Gaynor, North Dearborn Water Corporation Superintendent, states that the issue is during the summer time the tank drops to 2-3ft., which is basically empty. He states the proposed tower is larger and would hold more water for the summer peak. With the existing tank, in an emergency, the tank would be empty in no time.

Mr. Stewart states that their plans are to keep the old tank in service until it is no longer operational. At this time, maintenance is up to date on the existing tower.

Mr. Pope made a motion to approval a Conditional Use for the placement of a water tower on North Dearborn Road as requested on the application and based on the findings: 1) that this proposal will not be injurious to the health, safety, and welfare of community; 2) that it will be designed constructed operated and maintained so as to be harmonious in appearance with the existing character; 3) that it will be served adequately by public facilities and services; 4) that it will not impede the normal development and growth of surrounding area; 5) that it will not generate traffic or unsafe ingress/egress; and 6) that it will not involve uses or activities detrimental to any person. Mr. Nelson seconded.

Mr. Nelson clarifies that the timeline for a conditional use is 1 year and if nothing happens within one year that the proposal expires. He suggests allowing a longer time period to acquire funding and begin construction.

Mr. Pope amends the motion to allow approval for 18 months. Mr. Nelson seconded. All in favor. None opposed. Motion carried.

Motion:

Mr. Pope made a motion to approve a Conditional Use for the placement of a water tower on North Dearborn Road as requested on the application, with an extension of up to 18 months, and based on the findings: 1) that this proposal will not be injurious to the health, safety, and welfare of community; 2) that it will be designed constructed operated and maintained so as to be harmonious in appearance with the existing character; 3) that it will be served adequately by public facilities and services; 4) that it will not impede the normal development and growth of surrounding area; 5) that it will not generate traffic or unsafe ingress/egress; and 6) that it will not involve uses or activities detrimental to any person. Mr. Nelson seconded. All in favor. None opposed. Motion carried.

F. ADMINISTRATIVE

Mr. McCormack gives a brief update:

- The Enforcement Report will be sent to the Board members electronically in the next day or two.
- Ron Barnhart was hired as the new Assistant Planner.
- Intends to have Mr. Paul Ravenna present at the next Board meeting to address sign violations relevant to his Conditional Use Permit.
- Grant update: West Harrison Park- received \$85,000 out of a \$100,000 request. Manchester Township- received \$42,000 which was the full amount requested. Waiting to hear about \$1.8 million for the development project on U.S. 50.

Meeting adjourned at 9:13 P.M.

Mike Hall, Chairman

Ashley Webb, Enforcement Officer