

Planning Commission
January 27, 2010
Minutes

The Chairman John Mears called the meeting to order. The following members were present: Paul Ernst, John Mears, Mike Zuilhof, Lee Silvani, David Miller and Brett Fuqua. Ned Bromm was excused. Carrie Handy was present to represent the Planning Department.

Chairman Mears asked for a motion on the minutes from the previous meeting, December 23rd. Mr. Silvani moved that the minutes be approved as written; Mr. Miller seconded the motion, which carried unanimously.

The first item on the agenda was the election of officers for the year 2010. Mr. Fuqua moved that the officers should be left as they were; Mr. Silvani seconded the motion, which carried unanimously. John Mears will continue as Chairman, Paul Ernst will continue as Vice-Chairman and Ned Bromm will continue as Secretary.

Since the first application to be considered was an adjudication hearing, Chairman Mears asked everyone who wished to be speak to be sworn in.

This item on the agenda was an application for a condition use permit for a wind turbine to be located at 3717 Venice Road filed by North Coast Wind and Power on behalf of Toft's Dairy, Inc.

Mrs. Handy stated that when the applicant submitted the application, it was for a different site in front of the building. That site didn't meet the requirements of the Code since it would have to be 1 times the height of the tower away from a habitable structure. She called the applicant to see if they could move it to a different location that would meet the required setbacks. An alternate location was presented; however, Toft's Dairy was planning an expansion in the future which would make the new site less than 130' away from the building. Also, Toft's Dairy may want to put two towers in if the first one worked out so they would like approval of both locations. Mrs. Handy stated that the question became what the definition of habitable structure was. She commented that there was no definition in the Planning & Zoning Code. She stated that the Board of Zoning Appeals would need to make the determination of what habitable structure meant. Mrs. Handy stated that the Planning Commission could approve the wind turbine locations contingent on what Board determined. She stated that the part of the building that would be too close housed a freezer and warehouse. So depending on what the Board of Zoning Appeals ruled, the proposed locations could comply or not. So it would be up to Planning Commission whether they wanted to approve this contingent upon what Zoning Board rules or wait until the Board's meeting in February.

Chairman Mears asked if they decided that the freezer area wasn't habitable, would the original location be 130' away from the main building? Mrs. Handy stated that it would be. Chairman Mears commented that if the addition was built straight back, they would still be 130' away from the turbine.

Mr. Zuilhof commented that they should have a motion prior to discussion. Chairman Mears stated that he was getting clarification. Mr. Fuqua asked if someone was present from Toft's Dairy and he asked if tabling the application would have a monetary or negative effect on the business.

A spokesperson from North Coast Wind & Power answered that it would have a delay on the project itself since the project actually started prior to the City having any ordinances that dealt with wind turbines.

Mr. Miller commented that there was a third possibility and the tower could be moved further back. There was discussion regarding that and it was pointed out that location would run into problems with the railroad and their underground tunnels. There was further discussion relating to the location of the proposed addition.

Chairman Mears asked if anyone wished to speak in favor of the request. Dennis Missler, 2910 Maple, Castalia stated that Toft's Dairy was established over 100 years ago and they took tremendous pride in their business. He stated they wanted what was best for the City but they have been handicapped over the years especially since there was a nursing home across the street and the additional safeguards Toft's had to take due to that. He stated that they were jumping through all the hoops in order to move forward with their \$1.2 million expansion.

Edward Kimberlin, 3708 Venice Road, stated that he lived directly across the street and he had no problem with the wind turbines. He was all in favor of new technology.

No one spoke against the request and the matter returned to the table.

Mr. Zuilhof commented that he had spoken to Commissioner Waddington about this who was very excited. Mr. Zuilhof stated he was concerned about the proposed changes suggested and he made the motion to table this request. No one seconded the motion and it died.

Mr. Miller moved to approve the conditional use permit for any location that met the setbacks contingent upon the BZA's interpretation of habitable. Mr. Fuqua seconded the motion, which carried 6 – 0.

The next item on the agenda was an application for a change of use for 331-333 Tiffin Avenue filed by John Hunter on behalf of Marlene Windau.

Mr. Miller asked if Mr. Hunter had spoken to the neighbors. Mr. Hunter stated that there had been a car lot there before and this would be a less intrusive use. Mr. Fuqua asked if this would be similar to the establishment on Perkins Avenue and Mr. Hunter stated that it wouldn't be, it would be much smaller and he wouldn't have any computerized games. There would only be 5-6 cars there at a time.

Mr. Zuilhof asked if this site plan conformed to the ordinances. Mrs. Handy stated that it was 2 spaces short. There wasn't room to provide landscaping but parking blocks would be required. Mr. Zuilhof asked if there were underground storage tanks that needed to be pulled and Mr. Hunter stated that they had already been filled with sand.

Mr. Zuilhof moved to approve the application subject to staff's recommendations and with the understanding that the underground tanks were in a lawful state, Mr. Silvani seconded the motion, which carried 6 – 0.

Mr. Hunter asked if he could do the striping in the spring and it was determined that was acceptable.

There was no further business before the Commission and the meeting was adjourned at 5:20 p.m.

APPROVED:

Mary L. Grendow, Clerk

John Mears, Chairman