

Ellis County Joint Planning Commission Meeting Minutes for December 29, 2010

Members Present:

Paul Baier, Acting Chairman
Dick Klaus
Ken Richmeier
Luanne Kramer
Gary Luea
Kirk Dickinson
Galen Huser

Members Absent: Bill Poland, Chairman, Kendall Krug

Staff Present:

Dale Wing, Zoning Administrator
Karen Purvis, Acting Secretary

Counsel Present: Bill Jeter

County Administrator: Greg Sund

No County Commissioners were present at this meeting.

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The December 29, 2010 meeting of the Ellis County Joint Planning Commission was called to order by acting Chairman Paul Baier at 7:00 p.m. The meeting was held at the 601 Main Street meeting room.

Roll call was taken. Seven members were present. There was a quorum.

Minutes: Ken Richmeier moved that the minutes be approved as written. Luanne Kramer seconded the motion. Motion carried 7-0.

Public Presentations- Mark Bannister representing Butterfield Wind, LLC and Bannister Capital Advisors, LLC handed out proposed changes to Article 27-104 of the Ellis County Zoning Regulations that they are hoping the committee will consider during an upcoming public hearing. He also handed out 3 maps showing affected areas for 1,000, 2,000 and 4,000

setbacks. Various questions were asked of Mark. The committee will take it into consideration during the New Business section of this meeting.

Old Business

- A) **Continuation of Viaero Wireless Conditional Use Permits 1028 and 1029-** Acting Chairman Baier reopened the Public Hearing for Conditional Use Permits. Chris Riha, Site Acquisition Manager for Viaero Wireless approached the committee with the changes that were requested from the last public hearing. He stated that they now have the 110 % setback. The site that they have now is 10 acres instead of the original 5 acres. The tower is going to be 300 feet tall instead of the original 330 feet. Mr. Riha stated that they are waiting on the new FFA letter to address the red only light on the tower. The committee asked him questions. Acting Chairman Baier proceeded to complete the Finding of Fact Guideline Sheets. Gary Luea moved that Conditional Use Permit No. 1028 for the communication tower be approved. Kirk Dickinson seconded the motion. Motion carried 7-0. Acting Chairman Baier then reopened the public hearing for the Conditional Use Permit No. 1029 – Viaero Wireless. Eugene Carroll spoke to the committee with the changes in the permit. He stated that the 110 % setback was met by extending the 2 acres to 4.4 acres. The tower is 195 feet tall, so it doesn't need to have lighting. The Finding of fact sheet was gone over. Kirk Dickinson moved that Conditional Use Permit No. 1029 for a communication tower be approved. Luanne Kramer seconded the motion. Motion carried 7-0. Both of the CUP application protest periods end on January 12, 2011, and will be presented to the commission after that time.
- B) **Updating Zoning Regulation Books-** It was reported that the new article 27 and article 20 regulations were sent to each of the zoning board members earlier. The zoning office just received the resolution on changes on Article 1 and Article 29 from the County Commission. Those changes were passed out to the committee to replace in their books.
- C) **Steps for Rezoning property north of Hays-** Dale Wing, Zoning Administrator stated that he had checked with different zoning administrators and they stated that it would be better to stay with the current CUP applications for each rezoning issue. In the long run there will be more control with the applications instead of rezoning the whole area.
- D) **Other-** Dale stated that the next scheduled meeting is set on January

26, 2011. Neither he nor Karen will be able to make that meeting, so the committee should change the next meeting date.

New Business:

- A) The committee discussed the upcoming public hearings: After discussion about dates- Tuesday, January 25th was picked for the next meeting. It was moved by Kirk Dickinson and seconded by Gary Luea that we hold public hearings on CUP 1033 (Keith Werth) and Mark Bannister Zoning Regulation changes at that meeting. Motion carried 7-0.
- B) Greg Sund, County Administrator gave a report on the update of the comprehensive plan. The committee narrowed it to two companies and held interviews. The City of Hays will present their recommendation to the commission somewhere around the middle to later part of January. He will give the Joint Planning Commission an update at the January meeting.

Confirmation of next meeting date- The next meeting will be moved to Tuesday, January 25, 2011 at 7:00 p.m. at the 601 Main Street meeting room.

Ken Richmeier moved the meeting be adjourned. The motion was seconded by Kirk Dickinson. Meeting was adjourned at 7:50 p.m.

Respectfully submitted

Karen Purvis

Chairman

Date