

# VILLAGE OF SWANTON

## Planning Commission Meeting Minutes

December 7, 2021 • 6:30 p.m.

The meeting was called to order at 6:30 p.m. Roll call was taken; those present included: Mr. DeGood, Mr. Erdman, Mayor Toeppe, Mrs. Westhoven, and Mr. Young. Administrator Hoelzle was also present.

Mr. DeGood asked for approval of the November 9, 2021 Meeting Minutes. *Mr. Young moved to approve the minutes of November 9, 2021, with Mayor Toeppe seconding. No discussion. Roll Call vote. ALL YES.*

The first substantive item on the agenda was a Site Plan Review for a proposed AutoZone at 110 E. Airport. This included two variance requests.

Village of Swanton Consulting Engineer Mr. Rich Hertzfeld reviewed the Site Plan as submitted. He submitted comments for Planning Commission review. Mr. Nick West, engineer on behalf of AutoZone, was present to answer questions and go into more detail when needed.

Points for specific discussion:

1. Storm water drainage proposal. Essentially, they proposed to have an underground detention with the water slowly draining into the soil and not discharge to storm water system. Mr. Hertzfeld is concerned if no soil bores and sampling were done. He believes the concept would work if the soil is appropriate but relying on default values is the cause for concern.
2. Clarification on parking spaces using building square footage of 7,381

Variance discussion ensued:

1. Variance requested to allow the proposed building to encroach into the 20' side yard setback required per the Airport Highway Corridor District regulations -Section 150.164.

The property to the east, 112 E. Airport, is a legal non-conforming residential use. The proposed AutoZone building would be built south of the rear building line of the residential home at 112 E. Airport. Further, there is a proposed fence on the east side of the property which could act as a buffer between the two properties. The applicant provides their justification on why the variance should be approved.

Mrs. Hoelzle indicated she would rather see the parking lot in the rear, as has been discussed with Code update discussion, there is nothing in the current Code which mandates it. In this situation, due to the neighboring home, the building to the south of a proposed parking lot may be better situated. Further due to the property layout as well as the need for parking spaces, the setback may be a hardship to applicant. Mrs Hoelzle recommended with slight reservations.

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*Mayor Toeppe made a motion to approve the variance to encroach into the 20' side yard setback, with Mr. Erdman seconding. No discussion. Roll Call vote. ALL YES. Motion carried.*

2. Variance requested to allow the proposed parking area to encroach into the required 20' landscape buffer required per the Airport Highway Corridor District regulations, Section 150.164

The Code requires the minimum front yard landscape area as 20 feet along Airport Highway. One item of note is that the front line of the property is an angle along Airport Highway. Therefore, if a minimum of 20 feet were to be followed, the landscaping area would be narrower on one side of the property and wider on the other; the aesthetics of this may not be ideal. Further, if 20 feet of landscaping were to be followed this would affect the number of parking spaces on property. Due to other landscaping Mrs. Hoelzle indicated she did not have an issue recommending approval of variance.

*Mayor Toeppe made a motion to allow the proposed parking area to encroach into the landscape buffer area, with Mrs. Westhoven seconding. No discussion. Roll Call vote. DeGood, Erdman, Toeppe, Westhoven: YES. Young: No. Motion carried. 4-1-0.*

Mr. DeGood then asked if there was anyone present to speak in opposition to the proposal.

Mr. Jon Schultz, owner of the "NAPA Auto Parts" in the Village of Swanton, spoke about how Swanton is a small town and how many large corporations there are in town; maybe 2- Kroger and Rite Aid. He went on to say these two fill a need. What need does AutoZone fill? He asked the Planning Commission if they were going to allow big box store to come in. Will the Village allow big box stores?

Mrs. Westhoven asked to clarify that Mr. Schultz's opposition was that it is a large corporation and not a small business. Mr. Schultz indicated yes and what tax revenue would actually be generated by AutoZone.

Mr. DeGood went on to state what the Planning Commission is tasked with doing. They are a body which reviews plans for compliance with the Code. The property is zoned commercial and has been for decades. AutoZone is an approved use for the property.

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Planning Commission members then went on to discuss aspects of the Site Plan. Mr. West indicated Stormwater testing values would be forthcoming as soil boring is under way. Mr. Young indicated that in his experience there is usually an emergency overflow. Mr. West indicated that if it were to overflow the water would go to Airport Highway but it is unlikely as the pipe storage is above chamber capacity.

Mr. Young asked if there was a Phase 1 Environmental done and Mr. West was unsure. However, Mr. Jerry Miller, real estate agent for property, was in the audience and he indicated there yes there was a Phase 1 and everything appears fine.

There was discussion about actual square footage vs. usage. Mr. West indicated he would provide the calculations as this affects parking spaces.

*Mr. Young made a motion to table the issue until a geotechnical report is submitted and Stormwater information was received. No second. Motion fell to the floor.*

More discussion ensued about the Stormwater information needed.

*Mayor Toeppe made a motion to approve the site plan, with the variances, as well as contingent on the Stormwater calculations have positive results and approved by CT Consultants, with Mrs. Westhoven seconding. No discussion. Roll Call vote. ALL YES. Motion carried.*

### Zoning Code Update Review

CT Consultants submitted two more sections for review. Brief discussion of the following:

- 150.33 Use-Specific Standards
  - All new regulations
- 150.35 Signs Regulations
  - Changes from existing provisions are noted: Substantive Additions and ~~Deletions~~

*Mr. DeGood moved to adjourn the meeting. Voice vote. All yes.*

Adjournment at 7:59 p.m.

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*RdG -*  
Mr. Roger DeGood

