

MINUTES

August 3, 2023

The minutes of the Regional Planning Commission special meeting held at the Fairfield County Records Center, 138 West Chestnut Street, Lancaster, Ohio, and via livestream and conference call.

Presiding: Jennifer Morgan, President

Present: Vince Carpico, Joe Ebel, Gail Ellinger, Heather Gilbert, Adam Hemmer, Charles Hockman, Kent Huston, Lonnie Kosch, Jeff Porter, Austin Reid, Lori Sanders, Dan Singer, Jason Stevens, Rick Szabrak, Tim Tepe, Tony Vogel, Ira Weiss, Adam Young and Commissioner Steve Davis.

RPC Staff: Holly Mattei and Tamara Ennist.

ITEM 1. MINUTES

The minutes of the July 19, 2023, Fairfield County Regional Planning Commission meeting, were presented for approval. Ira Weiss made a motion for approval of the minutes. Austin Reid seconded the motion. The motion passed with Lori Sanders abstaining.

ITEM 2. PRESIDENT'S REPORT

Jennifer Morgan welcomed everyone to the meeting. Jennifer Morgan asked the members to review their list of appointees and designate alternates as needed.

Holly Mattei presented the following reports:

ITEM 3. SUBDIVISION ACTIVITY

ITEM 3a. DHL Supply Chain – Final Plat

OWNER/DEVELOPER: EXEL, INC/DHL Supply Chain USA

SURVEYOR/ENGINEER: Ken Maag, Kleinfelder

LOCATION AND DESCRIPTION: The DHL Supply Chain development is proposed along Basil-Western Road and Amanda Northern Road in Violet Township. The preliminary plan was approved February 6th, 2023, and the improvement plan review is almost complete. The proposal develops includes 79.619 acres for a warehouse distribution type business and storm water detention and water quality.

SUBDIVISION REGULATIONS COMMITTEE RECOMMENDATION: The Subdivision Regulations Committee recommends approval of the DHL Supply – Chain – Final Plat, subject to the following conditions:

1. This subdivision shall contain two lots due to Amanda Northern Road bisecting the property.
2. The plat must be on 18X24 inch paper per Section 3.3.4 of the Fairfield County Subdivision Regulations.
3. Easement descriptions and signature lines must comply with Title VII of the Fairfield County Subdivision Regulations.
4. The applicant shall comply with the requirements of the Technical Review Committee, the Fairfield County Engineer, the Fairfield County Utilities Department, the Fairfield Soil and Water Conservation District, the Fairfield County Auditor/GIS, and Violet Township Zoning.
5. The applicant shall execute the required development agreement with the county, furnish construction assurances, pay all required recreation fees, and pay the required inspection fee deposit.

A motion was made by Commissioner Davis to approve the Subdivision Regulations Committee recommendation. Ira Weiss seconded the motion. The motion passed with Vince Carpico, Lori Sanders and Rick Szabrak abstaining.

ITEM 3b. Basil Western Logistics Center – Preliminary Plan

OWNER/DEVELOPER: Roebling Development

SURVEYOR/ENGINEER: CEC Inc.

LOCATION AND DESCRIPTION: This is a preliminary plan for the Basil Western Logistics Center located along Basil Western Road in Violet Township. The site will contain 58.27 acres (parcel # 0370211710) within the Planned Business Industrial District for Violet Township. Utilities are proposed from Fairfield County Utilities. Access is proposed from Basil Western Road.

SUBDIVISION REGULATIONS COMMITTEE RECOMMENDATION: The Subdivision Regulations Committee recommends approval of the Basil Western Logistics Center Preliminary Plan, subject to the following conditions:

1. Per Section 5.2.7(F)(5) a traffic study must be submitted with the preliminary plan. A traffic study has been completed and submitted to the Engineer's Office. A copy needs to be submitted to the RPC office. The Project Engineer needs to provide turn lane lengths to the County Engineer's office.

2. A highway easement, up to 40 feet in width, shall be provided along the entire Basil Western Road Frontage. The easement width shall be determined by the Fairfield County Engineer.
3. The Fairfield County Active Transportation Committee requires a 10-foot multi-use path on the north side of Basil Western Road. The CEDA area plan also requires a multi-use path to be installed on this property. The Subdivision Regulations Committee recommends that the bike path be shown on the plans but note that it be “constructed by the others” as part of the overall Basil Western Road improvements. The developer shall be responsible for the cost to construct this path as part of its Developer Compensation Agreement with Fairfield County, and the public improvements shall not be accepted by the county until such time the cost of the path is deposited with the Fairfield County Port Authority. Such payment shall be made in conjunction with the first of the three payments to the Port Authority.
4. The cover sheet needs to indicate the zoning district in which it is located.
5. The plans show a 90-foot easement to Eastern Gas Transmission and Storage Inc. The developer needs to provide confirmation that the proposed plans have been submitted and approved by the gas company. Emergency access may be necessary depending upon the gas company review. ~~At the time of construction drawing review, a signature line for the gas company needs to be added to the cover sheet.~~ Sufficient evidence shall be provided to the RPC that the companies, owning the gas lines on this site, have reviewed and approved the construction drawings (the version being approved by county agencies).
6. Long term maintenance of the drainage facilities shall be covered by the DESC permit through Violet Township.
7. The drainage system needs to comply with the new Fairfield County Storm Water Manual.
8. The applicant shall comply with the requirements of the Technical Review Committee, the Fairfield County Engineer, the Fairfield County Utilities Department, the Fairfield Soil and Water Conservation District, the Fairfield County Auditor/GIS, and Violet Township Zoning.

A motion was made by Ira Weiss to approve the Subdivision Regulations Committee recommendation. Kent Huston seconded the motion. The motion passed with Vince Carpico, Lori Sanders and Rick Szabrak abstaining.

ITEM 4. ZONING MAP AMENDMENT

APPLICANT: Liberty Township

OWNER: Board of Park Commissioners of the Fairfield County Park District.

PROPERTY ADDRESS: 900 Leonard Road, Baltimore, Ohio 43105

PROPERTY PARCEL NUMBER: 021007080

PROPERTY SIZE: 160.395 Acres

EXISTING ZONING: Rural Residential District (RR) and Small-Scale Commercial District (B-1). According to the Liberty Township Zoning Resolution, RR’s purpose is to “to provide for single family Dwellings on large tracts within areas of open land. Areas in the District will not normally be served by public sewer and water.” B-1’s purpose is to “to provide an area for small, centralized commercial developments... that serve the local population.”

EXISTING LAND USE: Vacant

PROPOSED REZONING: Park/Recreation District (PR-1). According to the Liberty Township Zoning Resolution, this district’s purpose is to “to provide areas for recreational area and open spaces.”

PROPOSED LAND USE: Park with multi-use paths – floodplain and wetland protection

ADJACENT ZONING		ADJACENT USES
NORTH	Village of Baltimore	Commercial & Educational Uses
EAST	RR Rural Residential	Agricultural & Residential
WEST	B-1 Small-Scale Commercial, RR Rural Residential, and Village of Baltimore	Agricultural and Institutional
SOUTH	B-1 Small-Scale Commercial and RR Rural Residential	Agricultural

RPC STAFF RECOMMENDATION: RPC staff recommends approval of the proposed rezoning because the proposed use(s) for this site are in line with the intent of the PR-1 zoning district and complies with the recommendations of the comprehensive plan for this site.

A motion was made by Gail Ellinger to approve the RPC staff recommendation. Charles Hockman seconded the motion. Motion passed.

ITEM 5. ZONING TEXT AMENDMENT

ITEM 5a. APPLICANT: Walnut Township

SUMMARY OF CHANGES: Walnut Township is proposing changes to Article III – Definitions; Sections 7.2 and 7.3 – Procedures and Requirements for Appeals and Variances; Article IX – Permitted Uses; Section 10.7 – Parking and Storage of Vehicles; Section 10.10 – Parking Requirements; Section 11.22 – Bed and Breakfast Establishments; Section 11.25 – Short Term Rentals; and Section 10.9 – Signs.

ANALYSIS

Part 2

1. The definition of abandon should comply with the Ohio Revised Code which is defined as a period of 2 or more years (ORC 519.19)
2. Both 10.9(B)6 and (B)8 prohibit signs on roofs. This is redundant and should be eliminated in one of these subsections.
3. Several passages consider the content of signs as a factor for regulation. This practice is a violation of the First Amendment. The Supreme Court in *Reed et al. v. Town of Gilbert* (2015) held that content-based regulations of signs do not survive strict scrutiny, and therefore, is unconstitutional censorship. Zoning codes can regulate signs based on qualities such as size and material but cannot consider reading its content as a factor for regulation.

Walnut Township needs to revise the proposed regulations to remove references where the code provides exemptions or additional requirements for signs based on their content. These sections include:

- a. 10.9(B)11 and 15 [Provides exemptions for certain signs based on their content]
 - b. 10.9(C)2, 4, 6, 9, 10, 11, and 12 [Provides exemptions for certain signs based on their content]
 - c. 10.9(D)2 [Regulations on the content of residential signs]
 - d. 10.9(D)3.a.i.3 [Regulations on what gasoline station signs could state]
 - e. 10.9(D)3.b [Regulations on the content of multi-tenant retail development signs]
4. Section 10.9F (Non-Conforming Signs) does not appear to comply with the nonconforming regulations of the Ohio revised code section 519.19. Signs are considered structures and must comply with the requirements of ORC 519.19.

RPC STAFF RECOMMENDATION:

Part 1

RPC staff recommends approval.

Part 2

RPC staff recommends approval with modifications as noted within the analysis of this report.

A motion was made by Ira Weiss to approve the RPC staff recommendation for Part One. Lori Sanders seconded the motion. After discussion, Charles Hockman made a motion to amend the recommendation asking the Township to consider lot size when regulating commercial vehicles

rather than strictly prohibiting them on all lots [Section 10.7(1)]. Ira Weiss seconded the motion. The motion, as amended, passed.

A motion was made by Ira Weiss to approve the RPC staff recommendation for Part Two. Jeff Porter seconded the motion. Motion passed.

ITEM 5b. APPLICANT: Liberty Township

PROPOSED REVISIONS: In April, Liberty Township provided several proposed revisions to its zoning resolution, which included Campground regulations and adding Section 9.12 – Agricultural District. The RPC recommended approval/modification of the Campground Regulations but recommended disapproval of the addition of Section 9.12 – Agricultural District as it was written at that time. As previously proposed, Section 9.12 was in direct conflict with the Ohio Revised Code. Liberty Township has revised the proposed Section 9.12 – Agricultural District and resubmitted it for further consideration.

ANALYSIS

Article VIII and IX:

1. The proposed regulations state that agriculture would be removed as a permitted use in section 9.2(B)(1) – Rural Residential District. Agricultural land uses, that are in line with the agriculture definition in ORC 519.01, are exempt from Township-level zoning in Ohio. Therefore, agriculture use would continue to be allowed in the Rural Residential district whether listed as permitted or not.
2. RPC was previously concerned that Section 9.12(B) required a property to be enrolled in CAUV program to be a permitted use in the AG district. [The Current Agricultural Use Value](#) (CAUV) is an Ohio Department of Taxation program that allows “farmland devoted exclusively to commercial agriculture [to] be valued according to its current use rather than at its ‘highest and best’ potential use.” The ORC definition for agriculture does not require enrollment in CAUV. Therefore, we were previously concerned that the original proposal in April was in direct conflict with state statutes. The Township has now added the words “or can be proven to be land devoted to agricultural use pursuant to the Ohio Revised Code.” Adding this underlined language addresses the RPC’s previous concern.
3. The proposed regulations received by the RPC office still do not include any development standards such as minimum lot size, setbacks, and other similar items. Zoning districts must include these requirements in order to regulate the uses on the land.

Definitions – Article III
No comments.

Section 10.5 – Fences:

No comments.

RPC STAFF RECOMMENDATION:

1. Articles VIII and IX

RPC staff recommends modification. We recommend that Section 9.2(B)(1) continue to remain in the code. Agriculture, as defined by the ORC, would be allowed to continue as an exempt use, even if it is not listed as a permitted use. We also recommend that a minimum lot size and setbacks be added to Section 9.12.

2. Definitions – Article III and Section 10.5 – Fences

RPC staff recommends approval of these revisions as proposed.

A motion was made by Kent Huston to approve the RPC staff recommendation for Articles VIII and IX. Rick Szabrak seconded the motion. Motion passed.

A motion was made by Ira Weiss to approve the RPC staff recommendation for Articles III and Section 10.5. Commissioner Davis seconded the motion. Motion passed.

ITEM 6. BUILDING DEPARTMENT APPLICATIONS UNDER REVIEW FOR BUILDING PERMITS

RPC staff presented a list of building permit applications under review.

ITEM 7. BILLS

Holly Mattei presented the following bills for payment:

530000	CONTRACTUAL SERVICES	
	Crossroads Community	\$11,000.00
	TOTAL	\$11,000.00

A motion was made by Ira Weiss to approve the bills for payment. Gail Ellinger seconded the motion. Motion passed.

ITEM 8. OTHER BUSINESS

Ira Weiss asked the board to send comments/letters of support for the MORPC ranking of the highway plan by August 11, 2023.

There being no further business, a motion was made to adjourn the meeting by Lori Sanders and seconded by Dan Singer. Motion passed.

Minutes Approved By:

Jennifer Morgan, President

Kent Huston, Secretary