

## **MINUTES**

**November 7, 2023**

The minutes of the Regional Planning Commission 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: Josh Anders, Ron Baker, Vince Carpico, Emily Cordle, Todd Edwards, Gail Ellinger, Amanda Everitt, Andy Gottesman, Jennifer Henery, Charles Hockman, Kent Huston, Douglas Ingram, Lonnie Kosch, Robert LeVeck, Darrin Monhollen, Mitch Noland, Jeff Porter, Christine Simmons, Dan Singer, Jason Smith, Allen Turnbull, Tony Vogel, Ira Weiss, Rod Williams II, Commissioner Fix and Commissioner Levacy.

RPC Staff: Holly Mattei, Safa Saleh, Josh Hillberry and Sharlene Bails.

### **ITEM 1. MINUTES**

The minutes of the October 3, 2023, Fairfield County Regional Planning Commission meeting, were presented for approval. Dan Singer made a motion for approval of the minutes with an amendment. Ira Weiss seconded the motion. Motion passed.

### **ITEM 2. PRESIDENT'S REPORT**

Jennifer Morgan welcomed everyone to the meeting. The 2023 Comprehensive Plan has been postponed and will not be on the agenda for the RPC December meeting.

A survey monkey will be sent out to the board members to get feedback on changing the time for the monthly meetings.

### **ITEM 3. PRESENTATION – UNITED WAY OF FAIRFIELD COUNTY**

Christine Simmons gave her experience working with United Way and she introduced Emily Cordle.

Emily Cordle explained what programs the United Way provides funding for and the amazing benefits this provides to the community. There are 30 programs/agencies that provide services for the residents of Fairfield County. United Way offers a designation process if you wish your funds to go to a specific agency and they are always looking for volunteers.

Safa Saleh and Josh Hillberry presented the following reports:

**ITEM 4. SUBDIVISION ACTIVITY**

**ITEM 4a. HERON CROSSING SOUTH – PRELIMINARY PLAN & VARIANCE**

**OWNER/DEVELOPER:** Ricketts Family Fairfield Farms, Ltd / M/I Homes of Central Ohio, LLC

**ENGINEER:** EMH&T ENGINEERS, SURVEYORS, PLANNERS & SCIENTISTS

**LOCATION AND DESCRIPTION: VIOLET TOWNSHIP**

The parcel is located South of Heron Crossing West and west of Heron Crossing subdivisions. Tybee Way and Sanctuary Drive will be extended from Heron Crossing West and Heron Crossing to provide access through the site with Tybee Way ending in a cul-de-sac.

**PARCEL ID:** #0360091000 - 24.059 Total Acres

**AREA:** 15.035 Acres (included in Heron Crossing South site)

**SINGLE-FAMILY BUILDING LOTS:** Thirty-Nine (39) – 15.035 Acres

**OPEN SPACE RESERVE LOTS:** One (1) Open Space Lot with two retention ponds – 5.29 Acres

**STREET RIGHTS-OF-WAY DEDICATION:** 1.75 Acres; Tybee Way (extension) and Sanctuary Drive (extension).

**CENTRAL SEWER AND WATER:** Fairfield County Sanitary Sewer and Water

**STORM WATER CONTROL:** Storm water catch basins and yard basins will direct storm water into one of the two retention ponds for water quality control.

**DENSITY:** Overall Gross Density -  $\pm 2.6$  units/acre; Overall Net Density -  $\pm 2.94$  units/acre.

**ACCESS:** Tybee Way through Heron Crossing West to Pickerington Road and Sanctuary Road through Heron Crossing subdivision to get to Refugee Road.

**SUBDIVISION REGULATIONS COMMITTEE RECOMMENDATIONS:**

**VARIANCE TO SECTION 4.10.2(B) – CONNECTIVITY:**

The Subdivisions Regulations Committee recommends approval of the variance to Section 4.10.2(B) regarding connectivity because there are alternative connections to the adjoining properties that alleviate the potential for cut-through traffic.

**PRELIMINARY PLAN:**

The Subdivisions Regulations Committee met to discuss the application and has the following comments that could potentially affect the subdivision layout:

1. The Subdivision Regulations Committee recommends that the multi-use path be extended from Heron Crossing West along Tybee Way into Heron Crossing South and extend east along Sanctuary Drive to connect with the existing pedestrian system. It is further recommended that the multi-use path be extended south and stub into the Ricketts Property at 7110 Refugee Road. It is anticipated that this path will be extended in the

- future to Refugee Road and will ultimately connect to the adjoining properties.
2. There are many utility easements that are combined with a drainage easement. The FCEO is willing to allow minimal overlap (up to 5').
    - a. In addition, there are also utility easements overlapping sanitary sewer easements. The FCU will only permit exclusive Sanitary Sewer easements with no overlaps.
    - b. Per FCEO the utility easement on lots 24-26 shall only overlap the drainage easement by 5' on one side.
  3. Along lots 28-31, there shall be 12' between the storm sewer and the drainage easement line, so that the storm sewer is closer to the right-of-way.
  4. The basin access shall be graded at 8 percent with the design and materials to be approved by the Fairfield County Engineers Office during construction review.
  5. The applicant shall be required to establish a drainage maintenance district for the subdivision.
  6. The preliminary plan shall be revised to comply with the requirements of:
    - a. Technical Review Committee
    - b. Fairfield County Engineers' Office
    - c. Fairfield County Utilities
    - d. Fairfield Soil and Water Conservation District
    - e. Violet Township Zoning
    - f. South Central Power Company

A motion was made by Ira Weiss to approve the Subdivision Regulations Review Committee recommendation for the variance. Commissioner Fix seconded the motion. The motion passed with Darrin Monhollen, Violet Township, abstaining.

A motion was made by Ira Weiss to approve the Subdivision Regulations Review Committee recommendation for the preliminary plan. Kent Huston seconded the motion. The motion passed with Darrin Monhollen, Violet Township, abstaining.

#### **ITEM 4b. CANAL COMMERCE CENTER – PRELIMINARY PLAN**

**OWNER/DEVELOPER:** Robert Leveck, Ugly Gray Leveck LLC

**ENGINEER/SURVEYOR:** Nick Elmasian; Smart Services

**LOCATION AND DESCRIPTION:** The proposed development is located along the south side of Basil Western Road in Violet Township. This site will contain 19.7 acres and is zoned PBID within Violet Township zoning. It is also within the Cooperative Economic Development Area (CEDA) for Violet Township and Canal Winchester. Utilities are provided from Fairfield County Utilities. Access is proposed from Basil-Western Road. The applicant previously submitted both a preliminary plan and final plat/improvements plans along with a request for a variance to Section 3.4 to allow the preliminary plan and final plat to be submitted simultaneously and Section 3.2.2(A) of Appendix B to waive the preliminary plan fees. The Technical Review and Subdivision Regulations Committee recommended disapproval of the variance request. The applicant requested that all three applications (Preliminary Plan, Final

Plat, and Variance) be tabled at the September 2023 Subdivision Regulations Committee meeting. At this time, the applicant is moving forward with only the preliminary plan.

**SUBDIVISION REGULATIONS COMMITTEE RECOMMENDATIONS:**

The Subdivision Regulation Committee recommends approval of the Canal Commerce Preliminary Plan, subject to the following conditions.

1. The current Preliminary Plan shows the current companies owning gas lines on this site. The response letter indicates that the plan review with the gas companies is still being coordinated. Sufficient evidence shall be provided to Fairfield County Regional Planning Commission showing that the companies owning gas lines on this site have reviewed and approved the construction drawings (the version being approved by county agencies).
2. ODOT has indicated that it will allow an outlet from the retention pond into the ODOT right of way. The outlet and any other work within ODOT right of way will require an ODOT Permit.
3. Since the variance to waive the preliminary plan fees has not been granted, the applicant shall pay the preliminary plan fees prior to the RPC taking action on the approval of said plan.
4. Preliminary Plan shows 40' standard highway easement behind 50' right of way. The Fairfield County engineer will collaborate with the developer to determine the required width for the designed road and multi-use path.
5. Per the Fairfield County Subdivision Regulations, the developer shall be responsible for the cost to construct the multi-use path (MUP) on the south side of Basil Western Road 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.
6. The applicant shall comply with the requirements of the Technical Review Committee, the Fairfield County Engineer, the Fairfield County Utility Department, the Fairfield Soil and Water Conservation District, the Fairfield County Auditor/ GIS, and Violet Township zoning.

A motion was made by Jeff Porter to approve the Subdivision Regulations Review Committee recommendation. Ira Weiss seconded the motion. Commissioner Fix asked about the location of the development in conjunction with the DHL project. After discussion, the motion passed with Darrin Monhollen, Violet Township, abstaining.

**ITEM 5. ZONING TEXT AMENDMENT**

**ITEM 5a. WALNUT TOWNSHIP – SOLAR ENERGY SYSTEMS**

**PROPOSED REVISIONS:** Walnut Township has proposed an amendment to its Zoning Resolution to regulate residential, commercial, and industrial solar energy systems. The proposed amendment describes where the various types of solar energy systems are permitted and includes several definitions and general requirements based upon the type of proposed system. The

regulations also require a zoning permit for all types of systems defined in the resolution and decommissioning plans to be approved for the solar energy systems (under 50 megawatts). Specifically, this amendment consists of raising the maximum kilowatt (kW) nameplate capacity rate for Residential Solar from 10 kW to 30 kW.

**STAFF COMMENTS:**

- The document refers to ‘commercial solar energy systems’ and ‘industrial solar energy systems’ in several instances, however ‘industrial solar energy systems’ is not defined in the document. Industrial Solar Energy Systems should be defined, or the difference between Industrial Solar Energy Systems and Commercial Solar Energy Systems should be made clear.
- Roof-, Building-, and Ground-Mounted Solar Energy Systems are still permitted in the Flood Plain Hazard District. RPC recommends removing the Flood Plain Hazard District as an area where ground mounted solar energy systems are permitted. We believe this would be the best practice to limit structures within the floodplain.
- In one section the document states that Commercial Solar Energy Systems (CSES) shall only be permitted in Industrial Districts, however, later in the section under ‘Placement’ the document says, ‘when located in agricultural zoning districts’. RPC recommends only permitting CSES in Industrial Districts and removing all other districts (including Agricultural Districts and Flood Plain Hazard Districts) from the CSES Section.

**STAFF RECOMMENDATIONS:**

The proposed regulations are comprehensive in nature and appear to promote the use of alternative energy while safeguarding public health, safety, and welfare through the zoning regulations. Staff recommend approval of the proposed Walnut Township Solar Energy System regulations with modifications as noted above in the staff comments. The RPC staff recommends defining Industrial Solar Energy Systems, removing Floodplain or Flood Plain Hazard Districts as permissible areas, and restricting Commercial Solar Energy Systems (CSES) to only Industrial Districts.

A motion was made by Doug Ingram to approve the RPC Staff recommendation. Ira Weiss seconded the motion. Charles Hockman wanted to make sure inverter sounds were addressed in the amendment. Josh Hillberry said it was included and inverter noise shall not exceed 40 dBA. After discussion, the motion passed with Commissioner Fix and Commissioner Levacy abstaining.

**ITEM 5b. VIOLET TOWNSHIP – VARIOUS ZONING AMENDMENTS**

**SUMMARY OF CHANGES:** Violet Township is proposing changes to its zoning resolution, adding Ground Solar, Limited Homes Occupation, Expanded Home Occupation, and General Development Standards. Violet Township has submitted several revisions for consideration.

**ANALYSIS:**

1. The proposed regulations for the Expanded Home Occupation uses (3AA5-03(7)) states: “No signs advertising the home occupation shall be permitted on the property or in the rights-of-way adjoining the property, except resident physicians, surgeons, attorneys, accountants, clergy, architects, dentists, teachers, realtors, insurance agents, or other similar service professions may have a sign identifying them and their profession, which sign shall not exceed four (4) square feet in size, and shall not be free-standing but shall be mounted on a wall of the dwelling.”
2. This language could be considered content-based regulations because it allows certain professions to have a sign while prohibiting signs for all other professions/occupations. 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.
3. RPC staff recommends the Township allow all Expanded Home Occupations to have a four (4) square foot size sign.
4. The proposed regulations in section 3AA5-03(1) state that business activities are to be carried out solely within the confines of the dwelling or an appropriate accessory structure. The term “appropriate accessory structure” isn’t defined. The Township should either add a definition for “Appropriate Accessory Structure” or add language to indicate who determines that an accessory structure is appropriate (i.e., Zoning Inspector).
5. The current Text amendments in section 3E1-03 are missing its contents. Is this intended to be reserved for future use.
6. Expand Home Occupation states that Expanded Home Occupation uses (3AA5-03(7)) states: “No signs advertising the home occupation shall be permitted on the property or in the rights-of-way adjoining the property, except resident physicians, surgeons. The language indicates that Surgeons can operate from extended home occupation. To protect patients, the Ohio Department of Health passed various laws to prevent surgeries from being conducted in unregulated out-of-hospital settings that includes ambulatory surgical facilities. Ambulatory surgical facilities must meet the state and federal requirement under section 3702.30 of the Ohio Revised Code.
7. Soil and Water Conservation Recommendation: SWC staff recommend including the minimum or maximum production in the residential and nonresidential section.
8. The proposed definition for “Small Solar Facility” indicates that they are systems that produce less than 50 MW of energy, which aligns with the Ohio Revised Code. However, the definitions for integrated, rooftop, and solar facilities don’t align with the small solar facility definition. RPC staff recommends that the word “energy” be removed from each of these terms and “small” be added to the beginning of these three definitions to keep consistent with the overarching definition of Small Solar Facility. With this recommendation, these three definitions would be revised to read as follows:

Ground Mounted Solar Facility - a small solar facility that....

Integrated Solar Facility – a small solar facility that.....

Rooftop Solar Facility – a small solar facility that.....

**STAFF RECOMMENDATION:**

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

A motion was made by Kent Huston to approve the RPC Staff recommendation. Ira Weiss seconded the motion. The motion passed with Commissioner Fix, Commissioner Levacy, and Darrin Monhollen, Violet Township, abstaining.

**ITEM 6. APPROPRIATION OF FUNDS**

A resolution was presented to the board to allow for proper appropriation of funds for personal and contractual services.

A motion was made by Commissioner Fix to approve the appropriation of funds. Jeff Porter seconded the motion. Motion passed.

**ITEM 7. BUILDING DEPARTMENT APPLICATIONS UNDER REVIEW FOR BUILDING PERMITS**

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

**ITEM 8. BILLS**

Holly Mattei presented the following bills for payment:

530000	CONTRACTUAL SERVICES	
	Crossroads Community	\$11,000.00
558000	TRAVEL & EXPENSES	
	Tamara Ennist	\$ 335.17
	Safa Saleh	34.52
	TOTAL	\$11,369.69

A motion was made by Doug Ingram to approve the bills for payment. Todd Edwards seconded the motion. Motion passed.

**ITEM 9. OTHER BUSINESS**

There being no further business, a motion was made to adjourn the meeting by Todd Edwards and seconded by Ira Weiss. Motion passed.

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The Executive Committee met after the regular meeting.

Minutes Approved By:

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Jennifer Morgan, President

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Kent Huston, Secretary