

MINUTES

January 9, 2014

The minutes of the Fairfield County Regional Planning Commission meeting held at the Fairfield County Courthouse, Commissioners' Hearing Room, 210 East Main Street, Lancaster, Ohio.

Presiding: Zack DeLeon, President

Present: Donna Abram, Clement Chukwu, Joel Denny, Todd Edwards, Gail Ellinger, Ivan Ety, Jim Hochradel, Doug Hockman, Christian Hoffman, Kent Huston, Doug Ingram, Dean LaRue, Harry Myers, Larry Neeley, Peter Rockwood, Dan Singer, Jason Smith, Mary Snider, Phil Stringer, Hart Van Horn, Bill Yaple, Dave Levacy (County Commissioner), Bob Clark (County Economic Development Director), Holly Mattei (RPC Director), James Mako (Senior Planner), and Gail Beck (Adm. Asst).

ITEM 1. MINUTES

The Minutes of the December 3, 2013 Fairfield County Regional Planning Commission meeting were presented for approval. Phil Stringer made a motion for approval of the minutes. Pete Rockwood seconded the motion. The motion passed.

ITEM 2. PRESIDENT'S REPORT

Zack DeLeon welcomed everyone to the meeting. Zack said that he appreciated everyone coming to the rescheduled meeting. The regularly scheduled meeting of Tuesday, January 7, 2014 had to be postponed due to bad weather.

ITEM 3. PRESENTATION

James Mako gave an update on the FY 2014 CDBG program.

ITEM 4. SUBDIVISION ACTIVITIES

Holly Mattei presented the following report:

ITEM 4a. SUBDIVISION: Thorla – North Bank Road – Variance Request

OWNER/DEVELOPER: Dana Thorla

ENGINEER/SURVEYOR: Scott D. Grundei

LOCATION AND DESCRIPTION: An application has been submitted requesting variance to Sections 2.3 (Frontage) and 2.4 (Lot Area) for a proposed lot split on the south side of North Bank Road in Walnut Township, Section 22, Township 17, Range 18. Each proposed lot would be approximately .12 acres with approximately 49 feet of frontage. The Walnut Township Board of Zoning Appeals has already granted a variance from its zoning requirements to allow the proposed split. Water service is proposed from the Village of Millersport. Sanitary sewer services are proposed from the Licking County Water and Wastewater District.

SUBDIVISION REGULATIONS COMMITTEE RECOMMENDATION: The Subdivision Regulations Committee recommends approval of the proposed variance for the following reasons:

1. The proposed lot will be of similar size to the lots in the surrounding area. For this reason, the Subdivision Regulations Committee believes that the variance is not substantial when viewed in light of the surrounding area and it will not substantially alter the essential character of the neighborhood.
2. The Village of Millersport and the Licking County Water and Wastewater District have indicated that they can serve this additional lot with central water and sewer services. Access can be provided from North Bank Road. Therefore, the delivery of governmental services is not adversely affected.

*Also note a flood building permit will be required from the Fairfield County Regional Planning Commission prior to moving any dirt and/or constructing any building on these lots.

Holly Mattei indicated that since the Subdivision Regulations Committee meeting, an attorney for a neighbor has submitted material opposing this variance request. At the request of our legal counsel, Holly Mattei recommended that this agenda item be tabled until legal counsel can review the new information received. This agenda item will be brought back to the February 4, 2014 RPC meeting.

A motion was made by Bill Yaple to table the agenda item until the February RPC meeting. Harry Myers seconded the motion. Motion passed.

Holly Mattei presented the following report:

ITEM 4b. SUBDIVISION: Kenney's Beach Subdivision Replat of Lots 1 – 5 and
Formation of lots 1A – 5A – Third Re-Submission

DEVELOPER/OWNER: Crescent Cove, LLC

ENGINEER/SURVEYOR: Willis Engineering and Surveying, c/o Todd Willis, P.E., P.S.

LOCATION AND BACKGROUND: The Kenney's Beach subdivision is located on the south side of Buckeye Lake in Walnut Township, Section 24, Township 17, Range 18. The originally recorded Kenney's Beach subdivision included a 20-foot private roadway easement on the south side of the lots. Two re-plats of Kenney's Beach subdivision were previously approved to vacate the western portion of this roadway easement (across lots 9-16). Both of these plats have been recorded.

This proposal includes a re-plat of Lots 1-5 of the Kenney's Beach subdivision to vacate the portion of the private roadway easement adjacent to these lots. A new access easement is proposed from Custer's Point Road to these lots. It also creates lots 1A-5A that will be utilized in conjunction with lots 1-5 respectively in order to create additional lot area. This re-plat was tabled at the June 2013 Subdivision Regulations Committee meeting due to a number of easement documents that needed to be prepared in conjunction with the plat. There were also other technical comments that needed to be addressed at that time.

The applicant is also requesting a waiver to the resubmittal fees.

The RPC needs to take action on three items: 1) Determination of Injurious Affected lot owners; 2) the Re-Plat and 3) Fee Waiver Request. The Subdivision Regulations Committee's recommendation on each of these items is outlined below.

SUBDIVISION REGULATIONS COMMITTEE COMMENTS:

1. Determination on Injurious Affected: According to the Fairfield County Prosecutor's office, Section 711.24 of the Ohio Revised Code generally states that any person owning title to any land laid out within a subdivision not within the limits or subject to the control of a municipal corporation may change such lots, streets, and alleys by recording a new plat of such land consistent with the provisions of Sections 711.01 to 711.38, inclusive of the Ohio Revised Code but that no such changes shall be made if those changes injuriously affect any lots or streets or alleys within the plat unless those owners so affected join in making the change or give their written consent on the new plat for the change. Furthermore, the Fairfield County Prosecutor's office has indicated that the Regional Planning Commission shall determine who is injuriously affected and required to sign a re-plat.

Subdivision Regulations Committee's Recommendation on Injurious Affected Lot Owners:

SUBDIVISION: Kenney's Beach Subdivision Replat of Lots 1 – 5 and Formation of lots 1A – 5A – Third Re-Submission – Continued

The applicant has added a flare to the proposed access easement to provide access to lots 6-8. The owner(s) of Lots 6-8 must sign the re-plat to indicate that they agree with the changes. Signature lines for these owners have been added.

2. The applicants have worked with staff and their attorney to complete the documents necessary to release the easements that were previously recorded (not by a plat). The applicants and their surveyor have also worked diligently with staff to ensure that the re-plat accurately reflects the easements that affect this land. The Subdivision Regulations Committee is now recommending approval of the re-plat, subject to the following comments.
 - a. Section 1.4 requires all streets (public or private) to comply with the specifications in the subdivision regulations, except as may be modified in the unusual circumstances by the Regional Planning Commission after obtaining recommendation from the County Engineer. The Subdivision Regulations Committee believes that the Kenney's Beach subdivision is an unusual circumstance, because it is an existing plat with inadequate access with limited area to provide full public road access. The County Engineer has indicated his support for modifying the construction standards to allow a private shared driveway. For these reasons, the Subdivision Regulations Committee recommends that the public road standards for the proposed access be waived to allow this private drive to be constructed within the access easement.
 - b. The Subdivision Regulations Committee, including the County Engineer, has expressed concerns with the 20-foot easement width. Since it will be a private shared-driveway, the County Engineer has indicated he is willing to allow the 20-foot easement provided all lot owners understand the limited area that will be available for construction and maintenance of the private drive. A 30-foot easement is preferred.
 - c. Flood building permits will be required prior to moving any dirt and/or constructing any buildings on these lots. These permits must be obtained from the Fairfield County Regional Planning Commission. To date, FCRPC has issued one permit for these lots.
 - d. Licking County Water and Wastewater District has reviewed the latest submittal and verified that there are no conflicts. E-mails regarding LSW/WW requirements prior to constructing the access road were included in the RPC packet.
 - e. The re-plat submitted on 12-6-13 included a defined 20-foot electric easement for American Electric Power's (AEP) existing electric line. AEP has requested that the re-plat be revised to show the existing electric line with AEP's existing blanket easement referenced on it. The re-plat has been revised accordingly (see page 3 of 4). The re-plat that is recorded should have the electric line and blanket easement depicted as shown on this attachment.
 - f. The applicant shall comply with the requirements of the Technical Review Committee, the County Engineer, the County Utilities Department, the Licking

SUBDIVISION: Kenney's Beach Subdivision Replat of Lots 1 – 5 and Formation of lots 1A – 5A – Third Re-Submission – Continued

- County Water and Wastewater Department, the Fairfield Department of Health, the Fairfield Soil and Water Conservation District, and Walnut Township Zoning.
3. This is the third re-submittal of this re-plat. Section 3.2.1 of Appendix B in the Subdivision Regulations requires a re-submission fee equal to 100 percent of the applicable final plat flat fee (which is \$3,000) to be submitted. The applicant is requesting a waiver to this requirement.
 - a. The Subdivision Regulations Committee is recommending approval of waiving the fee for this third submittal due to the unique circumstances of this land. There are layers of easements that the applicant has had to untwine and various land transactions that have taken place over a 100 year period that have complicated the preparation of this re-plat. For this reason, the Subdivision Regulations Committee believes the applicant has worked diligently to correct the deficiencies noted during the reviews and the TRC recommends approval of waiving the third re-submittal fee. (Note: the original submittal fee (\$3,000) and the re-submittal fee for the second re-submittal (\$1500) have previously been paid. This waiver would not in any way alter the previously paid fees.)

A motion was made by Harry Myers to approve the Subdivision Regulations Committee's recommendation on Injurious Affected Lot Owners. Bill Yaple seconded the motion. Motion passed.

A motion was made by Bill Yaple to approve the Subdivision Regulations Committee's recommendation on approval of the re-plat. Jason Smith seconded the motion. Motion passed.

A motion was made by Donna Abram to approve the Subdivision Regulations Committee's recommendation on waiving the fee for this third submittal. Phil Stringer seconded the motion. Motion passed.

ITEM 5. PROPOSED ZONING AMENDMENTS

James Mako presented the following report:

ITEM 5a. Applicant: Liberty Township

Proposed Revisions: Liberty Township has submitted a proposed change to Article III (Definitions) of their zoning text. The proposed change would add the following language:

FENCE – Any structure composed of wood, metal, stone, plastic, or other natural material erected in such a manner and positioned as to enclose or partially enclose a lot or any portion of a lot.

Applicant: Liberty Township - Continued

REGIONAL PLANNING COMMISSION STAFF RECOMMENDATION:

RPC staff recommends modifications to the definition of a fence to read as follows:

FENCE- Any **barrier** composed of wood, metal, stone, plastic, or other natural material erected in such a manner and positioned as to enclose or partially enclose a lot or any portion of a lot **to prevent entrance**.

A motion was made by Pete Rockwood to approve the recommendation of the RPC staff. Jason Smith seconded the motion. Motion passed with Ivan Ety abstaining.

James Mako presented the following report:

ITEM 5b. Applicant: Liberty Township

Proposed Revisions: Liberty has submitted a proposed change to Article IX (Rural Residential Districts) of their zoning text. The proposed change would add the following language:

Article 9.2 G

5. The minimum required Side Yard Setback shall be ~~twenty five (25)~~ fifteen (15) feet.

REGIONAL PLANNING COMMISSION STAFF RECOMMENDATION:

RPC staff recommends approval of the proposed amendment.

A motion was made by Doug Ingram to approve the recommendation of the RPC staff. Jim Hochradel seconded the motion. Motion passed.

Mr. Mako presented the following report:

ITEM 5c. Applicant: Liberty Township

Proposed Revisions: Liberty Township has submitted a proposed change to Article X (Swimming Pools) of their zoning text. The proposed change would add the following language:

Article 10.4

A. General Swimming Pool Requirements.

The following requirements shall apply to all types of Swimming Pools.

Applicant: Liberty Township – Continued

1. A Zoning Permit must be obtained prior to constructing or installing a Swimming Pool or making any alteration to an existing pool.

2. All exterior lighting shall be so shaded or directed so that it does not cast light directly upon adjacent properties.

B. Private Residential Swimming Pools.

In addition to the requirements in 10.4A, Private Residential Swimming Pools shall comply with the following requirements.

1. A Private Residential Pool must be used or intended to be used solely for the enjoyment of the occupants of the property on which it is located and their guests.

2. The Private Residential Swimming Pool shall be located to the rear of the Principal Building and may not be located closer than fifteen (15) feet to any Lot Line or easement.

3. An in-ground Private Residential Swimming Pool, or the entire property upon which it is located, shall be fenced in such a manner as to prevent uncontrolled access from the Street and from adjacent properties. The required fence shall be at least ~~sixty (60)~~ forty-eight (48) inches in height, have a gate and lock, and shall be maintained in good condition.

4. An above-ground Private Residential Swimming Pool shall comply with the fencing requirements in Section 10.4(B)(3) or shall have a removable and/or lockable ladder device to prevent uncontrolled access by means other than through the gate or ladder from the Street and from adjacent properties.

REGIONAL PLANNING COMMISSION STAFF RECOMMENDATION:

RPC staff recommends approval of the proposed amendment.

A motion was made by Kent Huston to approve the recommendation of the RPC staff. Jim Hochradel seconded the motion. Motion passed.

James Mako presented the following report:

ITEM. 5d. Applicant: Liberty Township

Proposed Revisions: Liberty Township has submitted a proposed change to Article X (Accessory Structures) and Article XI (Conditional Uses) of their zoning text. The proposed change would add the following language:

Summary of Changes for Section 10.3:

Accessory Structures:

1. Section 10.3 (C) Changes the setback of accessory structures (from the principal structure and other accessory structure) from 10 feet to 15 feet.
2. Section 10.3 (D and E) Changes the maximum size of accessory structures.
3. Section 10.3 (F) Changes the maximum height of accessory structures from 15 feet to 18 feet.
4. Section 10.3 (G) Allows for one storage shed not to exceed 160 square feet.

Summary of Changes for Section 11.14:

Conditional Uses (Accessory Structures):

1. 11.14 (A) Defines which accessory structures will be considered as a conditional use. According to an email from the Liberty Township Zoning Secretary, accessory structures larger than the sizes stated in this section are permitted but must receive a conditional use permit. This section is being revised to reflect the new size requirements in Section 10.3.

REGIONAL PLANNING COMMISSION STAFF RECOMMENDATION:

RPC staff recommends the following modifications:

1. Conditional use language for accessory structures on less than 5.01 acres should be included in the proposed Section 10.3 (D).
2. Section 10.3 (E) should be revised to read: "On lots 5.01 acres or larger, two Accessory Structures shall be permitted, provided the cumulative area of the floor space for both structures does not exceed three thousand two hundred (3,200) square feet. **If the cumulative square footage exceeds 3,200 square feet, the accessory structure shall be considered** a Conditional Use subject to the conditions in Section 11.14. There must be a minimum of fifteen (15) feet between the two Accessory Structures."
3. Section 11.14 (A), First sentence should be revised to state: "It is the intent of this section to create standards for Accessory Structures **that exceed the maximum square footage described below.**"

Applicant: Liberty Township – Continued

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10.3 ACCESSORY STRUCTURES

Accessory Structures shall be subject to the following requirements:

A. ~~All Accessory Structures shall be located to the rear or side of the Principal Building and in no case shall be located forward of the front line of the Principal Building. Accessory structures shall be located on the same lot as the Primary Building to which it is subordinate. No lot shall contain an Accessory Structure without a Principal Building.~~

B. ~~Accessory Structures shall not be placed within a required Front, Side or Rear Yard Setback. Accessory Structures shall not contain or be used as a dwelling unit.~~

C. ~~The size of an Accessory Structure on a Lot shall not exceed 2400 square feet. Any Accessory Structure that exceeds 2400 square feet shall be considered a Conditional Use and subject to the conditions in Section 11.14. Accessory Structures and uses shall be setback a minimum of fifteen (15) feet from the Principal Building or other Accessory Structure on the same lot and fifteen (15) feet from side or rear lot line. Accessory Structures and uses must conform to the Front Yard Setback of sixty (60) feet and in no case shall be located forward of the front line of the Principal Building.~~

D. ~~No single Accessory Structure shall be located closer than ten (10) feet to the principal Structure or other Accessory Structure on the same Lot. On lots less than 5.01 acres, one Accessory Structure shall be permitted, provided said Accessory Structure does not exceed two thousand four hundred (2,400) square feet of floor space.~~

E. ~~An Accessory Structure shall not exceed fifteen (15) feet in height. For the purposes of this section, height is measured from the established grade to the top of the highest wall of the Accessory Structure. On lots 5.01 acres or larger, two Accessory Structures shall be permitted, provided the cumulative area of the floor space for both structures does not exceed three thousand two hundred (3,200) square feet shall be considered a Conditional Use and subject to the conditions in Section 11.14. There must be a minimum of fifteen (15) feet between the two Accessory Structures.~~

F. ~~Accessory Structures, larger than two hundred fifty (250) square feet, shall be placed on a permanent foundation such as masonry or concrete. For purposes of this section, a permanent foundation will also include the poles for pole barns. The placement of an Accessory Structure on skids shall not qualify as a permanent foundation. The height of an Accessory Structure shall not exceed eighteen (18) feet. For the purposes of this section, height is measured from the established grade to the top of the highest wall of the Accessory Structure.~~

G. ~~Accessory Structures shall not be located in any easement, swale or in an area designated by the Health Department for the placement of leach fields. In addition to the Accessory Structure(s) permitted above, one storage building (shed) with floor space not to exceed one~~

Applicant: Liberty Township – Continued

hundred sixty (160) square feet shall be permitted. Such structure shall comply with the setback requirements in 10.3(c) above, except for the minimum distance from the Principal Building.

H. ~~Accessory Structures shall be maintained in good condition and kept secure from the deteriorating effect of natural elements.~~ Accessory Structures larger than two hundred fifty (250) square feet shall be placed on a permanent foundation such as masonry or concrete. For purposes of this section, a permanent foundation will also include the poles for pole barns. The placement of an Accessory Structure on skids shall not qualify as a permanent foundation.

I. ~~Applications for Accessory Structures shall include an affidavit, signed by the Owner(s), attesting that the Accessory Structure will not be used for business or commercial purposes.~~ Accessory Structures shall not be located in any easement, swale or in an area designed by the Health Department for the placement of leach fields.

J. Accessory Structures shall be maintained in good condition and kept secure from deteriorating effect of natural elements. The outdoor storage of junk, unlicensed motor vehicles, semi-trailers, commercial tool sheds, used building materials, used tires, or any other material meeting the definition of junk shall be prohibited, unless otherwise specifically permitted by these regulations in conjunction with a permitted use.

K. Applications for Accessory Structures shall include an affidavit, signed by the Owner(s), attesting that the Accessory Structure will not be used for business or commercial purposes.

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11.14 Accessory Structures

A. Intent

It is the intent of this section to create standards for all Accessory Structures. ~~on a Lot exceeding 2,400 square feet. On lots less than 5.01 acres, one Accessory Structure shall be permitted provided said Accessory Structure does not exceed two thousand four hundred (2,400) square feet. On lots 5.01 acres or larger, two Accessory Structures shall be permitted provided the cumulative area of the floor space for both structures does not exceed three thousand two hundred (3,200) square feet.~~ The purpose of these additional regulations is to provide additional review to ensure that the proposed Structures are properly scaled with the existing built environment, an adequate Setback is proposed from existing Structures, and to ensure the architecture of larger Structures blends into the surrounding neighborhood.

B. Applicability

These standards shall apply to all Accessory Structures ~~on a Lot exceeding 2,400 square feet as defined in 11.14(A).~~

Applicant: Liberty Township – Continued

C. Conditions

The Board of Zoning Appeals shall issue a Conditional Use permit for such Accessory Structures, if the proposed Structures comply with the following conditions in addition to the general conditions listed in Section 7.3(C).

1. At a minimum, the proposed Accessory Structures shall comply with the requirements of Section 10.3(A), (B), and (E)-(I). However, the Board of Zoning Appeals may require additional Setback requirements depending upon the size of the Structure being proposed in relationship to the location of the Principal Building and other existing Accessory Structures on the Lot. The Board of Zoning Appeals may also take into consideration the relationship between the proposed Accessory Structure and any existing Structures on adjacent Lots.

2. For any ~~single~~ Accessory Structure ~~that exceeds 2,400 square feet as defined in 11.14(A),~~ the Board of Zoning Appeals may also place architectural requirements on the proposed Accessory Structure to ensure that it blends with the Principal Building and the surrounding neighborhood. Such requirements may include, but may not be limited to, the same architectural elements as the Principal Building, including the same or similar Building materials and roof pitch.

A motion was made by Bill Yaple to approve the recommendation of the RPC staff. Phil Stringer seconded the motion. Motion passed.

James Mako presented the following report:

ITEM 5e. APPLICANT: Ruth Meadows

LOCATION & DESCRIPTION: The properties proposed for rezoning comprise two parcels located at 4580 and 4600 Old Columbus Road (PIDs # 0130046500 and 0130046300). The property at 4580 Old Columbus Road is 2.82 acres in size. The property at 4600 Old Columbus road is 3.51 acres in size. A survey plat was included with the rezoning application. However, the plat did not accurately show all the properties proposed for rezoning.

EXISTING ZONING: The property at 4600 Old Columbus Road is zoned R-1 (Rural Residential District). The R-1 District is established to provide areas for the continuance of agriculture as well as large lot single family residential development reflecting very low density and a rural lifestyle. Such development may occur as a transitional area between agricultural and urban areas, and is typically not served by public water or sewer systems.

and

The property at 4580 Old Columbus Road is zoned I (Industrial District). The purpose of the Industrial District is to provide suitable areas for a range of industrial activities, while protecting

APPLICANT: Ruth Meadows – Continued

the character of adjacent and nearby residential and commercial areas. Permitted uses within the Industrial District must operate:

- A. Primarily within enclosed structures.
- B. With minimal adverse environmental or economic impact on adjacent properties.
- C. Free from noise, odor, dust, smoke, light, glare or vibration at levels in excess of the average level on adjacent streets and properties.
- D. Without imposing unusual burdens upon utility or governmental services.

EXISTING LAND USE: Residential

PROPOSED REZONING: HB Highway Business District- is established to provide areas for a diverse range of commercial and business activity within specific areas of Greenfield Township, while controlling the adverse impacts of this development on nearby residential uses. In particular, the HB District must be intended to accommodate high intensity business uses such as those found along major highway corridors. Furthermore, this district may be applied to new development within Greenfield Township when located within a major highway corridor.

PROPOSED USE: Commercial

	ADJACENT ZONING	ADJACENT USE
NORTH	R-1 Residential District	Residential
EAST	I-Industrial District	Commercial
	R-1 Residential District	Residential
WEST	B-1 Business District/ R-1 Residential District	Vacant Vacant
SOUTH	I-Industrial District	Commercial

RPC STAFF RECOMMENDATION:

1. The proposed rezoning appears to be compatible with the existing surrounding land uses. In addition, the Future Land Use Plan supports the rezoning of these two properties to a Highway Business District. RPC staff would advise the applicant to work with the Fairfield County Engineer's Office when the site is developed.
2. Any required turn lanes, extension of utilities, or other similar infrastructure may require the future development of this property to go through the platting process. Prior to developing the land, the RPC office should be contacted regarding the process to be followed.
3. RPC staff would recommend that the applicant submit a survey and legal description of all properties proposed for rezoning to the township.

A motion was made by Doug Ingram to approve the recommendation of the RPC staff. Doug Hockman seconded the motion. Motion passed.

Holly Mattei presented the following bills for payment:

ITEM 6. BILLS

543000	REPAIR AND MAINTENANCE	\$ 64.01
558000	TRAVEL & EXPENSES	<u>\$ 108.26</u>
	TOTAL	\$ 172.27

A motion was made by Donna Abram to approve the bills for payment. Doug Hockman seconded the motion. Motion passed.

ITEM 7. OTHER BUSINESS

Holly Mattei reminded the RPC members that the Ohio Farmland Preservation Summit will be on Wednesday, February 5, 2014. She said that it is always a very informational conference and recommended that the RPC members attend.

Hart Van Horn introduced Joel Denny who is the new RPC representative for Rushcreek Township.

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

Minutes Approved By:

Zachary T. DeLeon, President

Mary K. Snider, Secretary