

## **MINUTES**

**March 3, 2015**

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: Kent Huston, President

Present: Clement Chukwu, Zack DeLeon, Joel Denny, Tammy Drobina, Doug Ingram, Larry Joos, Harry Myers, Jerry Rainey, Karen Roberts, Jason Smith, John Snook, Phil Stringer, Ira Weiss, Jeff White, Bill Yaple, Dave Levacy (County Commissioner), Carri Brown (County Administrator), Bob Clark (County Economic Development Director), Holly Mattei (Executive Director), James Mako (Senior Planner), and Gail Beck (Adm. Asst).

### **ITEM 1. MINUTES**

The Minutes of the February 3, 2015 Fairfield County Regional Planning Commission meeting were presented for approval. Ira Weiss made a motion for approval of the minutes. Jeff White seconded the motion. Motion passed.

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

Kent Huston welcomed everyone to the meeting. Kent thanked everyone for coming to the meeting in spite of the weather.

### **ITEM 3. PRESENTATION**

A presentation was given by Holly Mattei on the 2014 Annual Report.

### **ITEM 4. SUBDIVISION ACTIVITIES**

Holly Mattei presented the following report:

**ITEM 4a. SUBDIVISION:** G & M Subdivision Replat of Lot 4

**OWNER/DEVELOPER:** Larry Kemmerer

**SURVEYOR/ENGINEER:** 2LMN, Inc

**LOCATION AND DESCRIPTION:** Located in Greenfield Township, Township 14, Section 27, Range 19. The plat was recorded April 1, 1980 and consisted of 6 lots totaling 10.7935 acres. The parcel is currently zoned for industrial uses. The proposed replat of Lot 4 splits the parcel into three separate lots, Lot 4N, Lot 4M, and Lot 4S. The parcels will total 4.067 acres. Water and sewer will be provided from the Greenfield Township Water and Sewer District.

**SUBDIVISION REGULATIONS COMMITTEE RECOMMENDATION:**

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 replat.

Subdivision Regulations Committee's Recommendation on Injurious Affected Lot Owners: The Subdivision Regulations Committee believes that this proposed re-plat affects all lot owners within the subdivision since it creates two additional lots that could have impact on the existing roads and infrastructure for this subdivision. For this reason, the Subdivision Regulations Committee believes that all lot owners within this subdivision should be required to sign the re-plat.

2. Subdivision Regulations Committee Recommendation on the G&M Re-Plat of Lot 4: The Subdivision Regulations Committee recommends approval of the proposed replat, subject to the following conditions:
  - a. A site plan must be provided showing existing structures in relationship to the proposed lot lines. We will also need a drawing showing a "typical" proposed building to ensure the lots have sufficient buildable area.
  - b. The applicant needs to provide a plan showing how water and sewer services will be provided to these new lots. Additional easements may be needed on the plat. More specifically, a utility easement that covers the building setback area should be added to the front of the lots.
  - c. On the original plat recorded April 1, 1980 the easement on the west side of Lot 4 is 50 feet. On the proposed replat the same easement shows 40 feet. The applicant shall revise it to 50 feet.
  - d. The applicant shall be required to comply with the requirements of the Technical

SUBDIVISION: G & M Subdivision Replat of Lot 4 – Continued

Review Committee, the Fairfield County Engineer, the County Utilities Department, the Soil and Water Conservation District, County GIS Department, South Central Power, the Greenfield Township Water and Sewer District, and Greenfield Township zoning.

A motion was made by Bill Yaple to approve the Subdivision Regulations Committee recommendation on the injuriously affected lot owners. Phil Stringer seconded the motion. Discussion followed regarding the lot lines and if they would have to be adjusted. After discussion, a vote was taken and the motion passed with Larry Joos abstaining.

A motion was made by Ira Weiss to approve the Subdivision Regulations Committee recommendation on the Re-Plat of Lot 4. Bill Yaple seconded the motion. Motion passed with Larry Joos abstaining.

**ITEM 5. PROPOSED ZONING AMENDMENTS**

James Mako presented the following report:

**ITEM 5a. APPLICANT:** Northeast Ohio Natural Gas Corporation

**LOCATION & DESCRIPTION:** The property proposed for rezoning is 13.96 acres and is located at 5640 Lancaster-Newark Road (SR 37).

**EXISTING ZONING:** A- Restricted Agricultural District- It is the intent of the A, Restricted Agricultural District, to provide large tracts of land for present agricultural activity, to protect this land from urban encroachment, and to provide adequate areas for future agricultural activity.

**EXISTING LAND USE:** Office building and maintenance garage

**PROPOSED REZONING:** B-Business District - It is the intent of the B, Business District, to provide an area for most retail business and limited service uses. It is further the intent of this district to prohibit residential units except in conjunction with business uses.

**PROPOSED USE:** Same as existing

	<b>ADJACENT ZONING</b>	<b>ADJACENT USE</b>
NORTH	A Agricultural District	Agricultural
EAST	A Agricultural District	Agricultural
WEST	R-R Rural Residential District	Single Family Homes
SOUTH	A Agricultural District	Agricultural/Church

APPLICANT: Northeast Ohio Natural Gas Corporation – Continued

**RPC STAFF RECOMMENDATION:**

RPC staff recommends disapproval of the proposed rezoning from A- Restricted Agricultural District to B – Business District. The B District is not in conformance with the future land use plan. Also, if the business classification were to be approved, then any use within the B district would be permitted in the future. These uses would not be compatible with the surrounding area.

The township ultimately must make the determination if this use is a public utility. If it is determined that the use is a public utility, then it is considered exempt from the township zoning.

A motion was made by Doug Ingram to approve the RPC staff recommendation. Jason Smith seconded the motion. Bill Yaple discussed his concerns about the property if the current owners would go out of business. Bill said that he thought it would be creating a nonconforming lot. Holly Mattei discussed the possibility of a PUD which would limit the uses. Kelli Albanese with Northeast Ohio Natural Gas Corporation stated that they have been at the current location for 20 years and have no plans to move. She also said that they need a line of credit to improve the integrity of their business and the bank would only consider the land and not the buildings with the current zoning. After discussion a motion was made by Bill Yaple and seconded by Ira Weiss to amend the previous motion to recommend PUD zoning. Motion passed. A motion to approve the amended motion was made by Ira Weiss and Bill Yaple. Motion passed.

Holly Mattei presented the following report:

**ITEM 5b. APPLICANT:** River Valley Life Center Church

**LOCATION & DESCRIPTION:** The property proposed to be rezoned is located at 2190 Coonpath Road (PID # 0130044700 and 0130844700) near the intersection of Rainbow Drive and Coonpath Road. The property is approximately 23 acres in size.

**EXISTING ZONING:** The property on Coonpath 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.

**EXISTING LAND USE:** Church

**PROPOSED REZONING:** SU (Special Use District) The SU District is established to provide for suitable locations for particular uses which, by their nature, are likely to have significant and/or unique impacts on adjacent and nearby property. The procedures specified for the SU District are intended to promote the compatibility of the use with adjoining residential uses and to ensure that the location of such facilities will provide for adequate and efficient access and service provision.

**PROPOSED LAND USE:** Church

**APPLICANT:** River Valley Life Center Church – Continued

**ADJACENT ZONING**

NORTH	R-1 Rural Residential District
EAST	R-1 Rural Residential District
WEST	R-1 Rural Residential District
SOUTH	R-1 Rural Residential District

**ADJACENT USE**

Vacant/Single Family Home
Vacant/Single Family Home
Single Family Home
Single Family Homes

**RPC STAFF RECOMMENDATION:**

RPC Staff believes the existing and proposed church use is compatible with the surrounding residential areas. For this reason, RPC staff is in support of the proposed rezoning to the SU District. The County Engineer's office has requested a modification to the development plan for access reasons.

Since the development plan is approved as part of the rezoning, RPC staff is recommending modification of the proposed rezoning. RPC staff recommends that the development plan be revised to comply with the Fairfield County Engineer's requirements prior to being approved as part of the proposed rezoning.

Furthermore, any future buildings or proposed uses (above and beyond those designated in an approved development plan) will require a new rezoning application and new development plan to be approved by the township in the future. Any future rezoning requests due to future development would include further review by the RPC at that time.

A motion was made by Bill Yaple to approve the amended RPC staff recommendation. Dave Levacy seconded the motion. Phil Stringer asked about the traffic and line of sight coming out of the property. After discussion, a vote was taken and the motion passed with Larry Joos abstaining.

James Mako presented the following report:

**ITEM 5c. APPLICANT:** Violet Township

**Overview:** Violet Township is interested in amending Section 3AA, Procedures And Requirements For Conditional Use Permits, Substantially Similar Uses, Accessory Buildings Or Uses, And Home Occupations. The township would like to add regulations pertaining to temporary uses. The proposed amendments are as follows:

APPLICANT: Violet Township – Continued

**I. SECTION III: Districts Defined And Uses Specified**

*Section III shall be amended by adding Section 3AA8 to read as follows:*

**3AA8 Temporary Uses**

**Temporary Uses Purpose.** Because of the special characteristics and needs of temporary uses, special standards to properly locate and control the activities of temporary uses are necessary in order to secure the health, safety, and morals of the community. An application for a Temporary Permit shall be filed at least sixty (60) days prior to the commencement of the proposed temporary use. No temporary use shall commence until a Temporary Permit shall have been issued by the Township Zoning Inspector.

**(A) Temporary Use Permit.** Each application for a Temporary Use Permit shall contain a graphic description of the property to be utilized, a description of the proposed use, a site plan in triplicate, drawn to scale, which illustrates the following:

- (1) The actual dimensions of the lot, including easements.
- (2) The exact size, location, and height of all existing and proposed buildings and structures, whether principal or accessory, on the lot.
- (3) The existing and intended use of all parts of the land and buildings and structures, whether principal or accessory, and all details of the event, including location of activities that will be conducted as part of the event.
- (4) Existing zoning on the lot in question and on all adjacent lots.
- (5) Existing and/or proposed parking spaces, including off-site parking, traffic flow, access drives, building and parking setbacks, sanitary facilities, refuse control, security, traffic control, noise and lighting.
- (6) Existing and proposed signs, location and size detail.
- (7) Such other information as may be required by the Zoning Inspector with regard to the temporary use, lot, and neighboring lots as may be necessary to determine and provide for the enforcement of this Zoning Resolution.

**(B) FEES.** When making an application for a Temporary Use Permit, the application fees shall be paid in accordance with the Schedule of Fees as may from time to time, be adopted by the Board of Violet Township Trustees.

APPLICANT: Violet Township – Continued

**(C) ISSUANCE OF PERMITS.** Temporary Use Permits shall be issued or refusal thereof given within fourteen (14) days of the completed application and fee. Written notice of such refusal and reason thereof shall be given to the applicant.

**(D) PROHIBITED TEMPORARY USES.** Temporary retail sales (conducted on parking lots, vacant lots, or along roadsides by transient vendors shall be prohibited unless conducted pursuant to a valid permit issued by the Township under Ohio Revised Code Section 505.94.

**(E) PERMITTED TEMPORARY USES.** The following temporary uses are deemed to be permitted temporary uses and are subject to the following requirements in addition to applicable development standards of the district which the use is located:

**(1) Temporary Real Estate Offices:** Temporary real estate sales office, including model homes, may be permitted within any district for any new subdivision, provided sales activities are limited to that subdivision only and such office is not used as a dwelling. Unless otherwise provided for as part of a planned district, one sign not to exceed twelve (12) square feet shall be permitted. Such signs shall not be located within ten (10) feet from the edge of the right-of-way and shall be landscaped at the base. Any temporary use permit issued for a temporary real estate office conducted out of trailer under this section is valid for one (1) year and must be renewed annually. Such office use shall cease upon completion of the sales of lots within the subdivision. Rental or resales of lots/and or units in the subdivision shall not be conducted from the temporary office.

**(2) Temporary Contractor's Offices:** Temporary buildings, including construction trailers (both licensed and unlicensed), for uses incidental to construction work on the property may be erected in any of the zoning districts herein established; however, such temporary building or trailer shall be removed within sixty (60) days following the completion or abandonment of the construction work. Abandonment shall be presumed if no substantial work toward completion has occurred within ninety (90) consecutive days. Temporary buildings, accessory buildings (except as otherwise permitted by Section 3AA4-05(B)), construction trailers, barns, tents, recreational vehicles, campers, and etc. are not to be used as temporary or permanent dwellings.

**(3) Temporary Public Events:** Temporary public events sponsored by a public or non-profit organization may be permitted within any non-residential zoning district or upon a church, school or other similar site within a Residential Zoning District. The applicant shall, prior to submitting an application for a Temporary Use Permit, engage in consultations with staff from the Township, including the Zoning Inspector, Building Department, Fire Department, Township Engineer and the Fairfield County Sheriff's Office and any other applicable agency or department to discuss and review the potential impacts of the event on the community. No statement or action by Township or County Officials in the course of these consultations shall be construed

APPLICANT: Violet Township – Continued

to be a waiver of any legal obligation of the applicant or of any procedure or formal approval required by Township, County or State statutes or rules. When planning such an event, the applicant shall take into consideration the potential impacts to surrounding properties. In order to address the impact of the event on the public health, safety and welfare of the community, temporary public events shall meet the following requirements:

- (a) Adequate off-street parking, including on-site and off-site (if applicable) shall be provided. A parking plan shall be provided delineating proposed parking areas. Parking shall be provided to accommodate the number of anticipated guests on any given day of an event.
- (b) All temporary buildings and structures associated with the event shall meet any and all applicable current Ohio Building and Fire Codes, including but not limited to Fire, Building, Mechanical and Plumbing Codes. Inspections and approvals shall be obtained from the Violet Township Building Department and Fire Department.
- (c) Adequate traffic control shall be provided. A traffic control plan shall be approved by the County Sheriff, County Engineer, and Township Engineer.
- (d) Adequate sanitary facilities and refuse control shall be provided. The sanitary and refuse plan shall delineate the number and location of such facilities and provisions for the removal of such. Sanitary facilities shall accommodate the number of anticipated guests on any given day of an event. Trash removal time restrictions shall be discussed during the pre-application consultation with the Township and be included as part of the application.
- (e) Adequate lighting, including security lighting, shall be provided. A lighting plan shall be provided delineating the location of all current and proposed lighting. All lighting shall be directed inward and away from any abutting Residential Zoning District and/or dwellings. Except for security lighting, all lighting shall be turned off no later than 1 hour after the event closes.
- (f) Adequate security, fire and emergency medical services shall be provided. A security plan shall be provided and approved by the Violet Township Fire Department and County Sheriff. Security shall be provided 24 hours a day during both operational and non-operational hours of the event.



APPLICANT: Violet Township – Continued

- (g) Operational hours of an event shall be limited to 9:00 a.m. to 11:00 p.m. Monday through Friday, 9:00 a.m. to midnight on Saturdays, 10:00 a.m. to 6:00 p.m. on Sundays.
- (h) Adequate noise control shall be provided. A noise control plan shall be provided showing the location of all amplification and noise generating devices. All amplification and noise generating devices shall be placed inward and away from any abutting Zoning District and/or dwellings. Prior to submitting an application for a Temporary Use Permit, an applicant may obtain an exemption from the Violet Township Board of Trustees from the provisions of the Violet Township Noise Control Resolution. Otherwise, all events shall comply with the provisions of the Noise Control Resolution.
- (i) A signage plan shall be provided. Up to two entry signs may be permitted, provided that both are not located at the same ingress/egress point. Except as otherwise provided in this Section, all signs shall conform to the requirements of Section 3W. Temporary signs located inside the boundaries of the event are exempt from the provisions of this Section. No signs shall be placed in any road right-of-way and directional signs may need approval of the County Sheriff, County Engineer, Township Engineer and/or the Ohio Department of Transportation.
- (j) An applicant shall be required to obtain any business license or any other permit which may be required by any other federal, state or local statute, rule or regulation.
- (k) Temporary public events shall be limited to not more than four (4) consecutive operational days and no more than one (1) such event may be conducted in any one (1) calendar year by the same organization.

Temporary uses permitted in this Section do not include outdoor, stand-alone music concerts or organized events for music concert only but do include music concerts in conjunction with the temporary public event. Government sponsored and approved events, school related activities, including sporting events, are exempt from the provisions of this Section.

In addition, the township wishes to make the following amendments:

II. SECTION III: Districts Defined And Uses Specified

*Section III shall be amended by deleting Section 3AA4-5(B)(2) in its entirety to read as follows:*

(B) Accessory Use Restrictions

APPLICANT: Violet Township – Continued

(+) Dwellings As Accessory Uses –

Dwellings may be accessory uses in residential districts if attached to the principal home or if detached as a garage apartment, only if it is used as a noncommercial guest house, a residence for relatives of the owner, or a residence for household servants of the occupants of the principal residence.

~~(2) — Temporary Buildings —~~

~~Temporary buildings, including construction trailers (both licensed and unlicensed), for uses incidental to construction work on the property may be erected in any of the zone districts herein established; however, such temporary building or trailer shall be removed within sixty (60) days following the completion or abandonment of the construction work. Abandonment shall be presumed if no substantial work toward completion has occurred within ninety (90) consecutive days. Temporary buildings, construction trailers, barns, tents and etc. are not to be used as temporary or permanent dwellings.~~

**REGIONAL PLANNING COMMISSION STAFF RECOMMENDATION:**

RPC staff recommends approval of the amendments with the following modification:

1. The township should consider better defining the term “organization” in Section 3AA8E3k to ensure that the township can easily enforce the one event per organization requirement.

A motion was made by Joel Denny to approve the RPC staff recommendation. Larry Joos seconded the motion. Motion passed with Harry Myers abstaining.

Holly Mattei presented the following bills for payment:

**ITEM 6. BILLS**

530005	CONTRACT SERVICES - OTHER	\$ 440.00
543000	REPAIR AND MAINTENANCE	\$ 95.77
558000	TRAVEL & EXPENSES	<u>\$ 96.50</u>
	TOTAL	\$ 632.27

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

**ITEM 7. OTHER BUSINESS**

Holly Mattei stated that the CDIS meeting will be held on March 17<sup>th</sup> at 1:00 p.m. Holly said that the State is requiring that anyone wanting to apply for CDBG funding have a representative at this meeting.

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

Minutes Approved By:

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Kent Huston, President

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Mary K. Snider, Secretary