

## **MINUTES**

**April 7, 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: Donna Abram, Todd Edwards, Gail Ellinger, Ivan Ety, Dean LaRue, Harry Myers, Larry Neeley, Karen Roberts, Jason Smith, Mary Snider, Phil Stringer, Hart Van Horn, Ira Weiss, Jeff White, Bill Yaple, 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 March 3, 2015 Fairfield County Regional Planning Commission meeting were presented for approval. Ira Weiss made a motion for approval of the minutes. Phil Stringer seconded the motion. Motion passed.

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

Kent Huston welcomed everyone to the meeting.

### **ITEM 3. PRESENTATION**

A presentation was given by William Murdock, Executive Director of Mid-Ohio Regional Planning Commission (MORPC) on *Insight 2050*.

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

Holly Mattei presented the following report:

**ITEM 4a. SUBDIVISION:** Violet Meadows- Section 4 Phase 1– Replat of lots 126 and 127.

**OWNER/DEVELOPER:** Heath Sigman

**SURVEYOR/ENGINEER:** American Land Surveyors, c/o Jon Adcock

**LOCATION AND DESCRIPTION:** The Violet Meadows subdivision is located on the north side of SR 204 in Sections 23 and 24, Township 16, Range 20 of Violet Township. The section 4 Phase 1 Final Plat was approved by the Regional Planning Commission on August 3, 2004 and recorded on November 4, 2004. Central water and sewer services are provided by the Fairfield County Utilities Department.

**SUBDIVISION REGULATIONS COMMITTEE RECOMMENDATION:** The Subdivision Regulations Committee recommends approval of the Violet Meadows Section 4 Phase 1 Replat of Lots 126 and 127, subject to the following conditions:

1. The 7.5 foot South Central Power easement that existed on the recorded plat has been removed on the proposed replat. All utility easements must meet the satisfaction of South Central Power.
2. We need a site plan to be submitted to ensure that there are no impacts to handicap ramps and curb inlets with the construction of the house and driveway.
3. The Active Transportation Committee recommends that the sidewalks be extended across the front of both lots as show in the original construction drawings.
4. The County Commissioners need three signature lines.
5. The Regional Planning Commission and County Auditor date blanks need underlined.
6. Utility and Sanitary Sewer Easement language should read privilege of removing “any and all trees”.
7. Within Drainage Easement language, swales and clean is misspelled.
8. Within the Drainage Maintenance District language, it should read “Section 4 Phase 1” rather than Section 3. Also the drainage maintenance district language is missing the final paragraph, refer to subdivision regulations page 74.
9. There needs to be a signature line for the Fairfield County Engineer.
10. Lot 127 on the plan should read lot 129.
11. Other review agency comments.

A motion was made by Ira Weiss to approve the Subdivision Regulations Committee recommendation. Donna Abram seconded the motion. Motion passed with Harry Myers abstaining.

## **ITEM 5. PROPOSED ZONING AMENDMENTS**

James Mako presented the following report:

**ITEM 5a. APPLICANT:** Judith Jones

**LOCATION & DESCRIPTION:** The property proposed to be rezoned is located at 5705 Lithopolis Road (PID # 01401016370 R 19 T 15 S 30 SW) west of the intersection of Mt. Zion Road and Lithopolis Road. The property is approximately 11.6 acres in size.

**EXISTING ZONING:** The property on Lithopolis 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:** Residential with Home Occupation Use (Rockmill Brewery)

**PROPOSED REZONING:** PUD (Planned Unit Development District) The intent of the PUD, Planned Unit Development District, is to create flexible design criteria that may not be included within traditional zoning district. It is further the purpose of the PUD District to encourage a more efficient land – use pattern by reducing the amount of public infrastructure, creating usable open space, preserving existing natural features and providing for a variety of building styles, types, and uses through the use of mixed – use, cluster, or alternative land designs.

**PROPOSED LAND USE:** The applicant is proposing to develop a micro-brewery/distillery with food service and a bed & breakfast accommodation. A development plan has been submitted in accordance with the township’s planned unit development requirements.

**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**

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

**RPC STAFF RECOMMENDATION:**

RPC Staff believes the existing and proposed uses are compatible with the surrounding area. For this reason, RPC staff is in support of the proposed rezoning to the PUD District. 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 reflect the following concerns:

1. The access to Lithopolis Road from the proposed development should be revised to address the sight distance concerns that the County Engineer’s Office has raised. Internal circulation in the development should be addressed to ensure proper movement of truck traffic in relationship to car traffic.

APPLICANT: Judith Jones – Continued

2. RPC Staff would recommend larger setbacks in areas where there are not existing buildings. These larger setbacks would avoid existing tree lines and provide for additional distance between Lithopolis Road and newly constructed buildings.
3. To be in compliance with Section 22.06 (G) of the Greenfield Township Zoning Code, the development plan should include proposed signage to be approved as part of the zoning request.
4. Ensure that there is sufficient parking based upon the township's parking requirements for the various uses. Greenfield Township does not have a bed and breakfast parking requirement but best practices require 1 space per room offered for rent.
5. Ensure that all Health Department and/or OEPA requirements for on-site sewage systems are met.

A motion was made by Harry Myers to approve the RPC staff recommendation. Ira Weiss seconded the motion. Hart Van Horn asked about the proposed three access points to the property and issues with them. Jeff Brown, attorney for the applicant stated that the applicant has a very successful business and they feel that this proposed PUD is a natural evolution for the development of this property. After discussion, a vote was taken and the motion passed.

James Mako presented the following report:

**ITEM 5b. APPLICANT: MI Homes**

**LOCATION & DESCRIPTION:** The property proposed for rezoning is approximately 107 acres located on Refugee Road in Violet Township, Section 25, Township 16, Range 20. There are two parcels included within this development, PID # 0360088510 and PID # 0360089210.

**EXISTING ZONING:** PD Planned Residential District- It shall be the policy of the Township of Violet to promote progressive and orderly development of land construction thereon by encouraging Planned Residential Districts to achieve:

(a) a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and acre requirements;

(b) a more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience and neighborhood compatibility in the location of accessory commercial uses and services;

(c) a development pattern, which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns;

APPLICANT: MI Homes – Continued

(d) a more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utility lines and streets.

**EXISTING LAND USE:** Agricultural

**PROPOSED REZONING:** Same (PD-Planned District)

**PROPOSED USE:** 187 lot subdivision

	<b>ADJACENT ZONING</b>	<b>ADJACENT USE</b>
NORTH	R-2 District -Single Family Residential (Low Density)	Single Family Homes
EAST	R-2 District -Single Family Residential (Low Density)	Single Family Homes
	R-1 District -Single Family Residential (Moderate Density)	School
WEST	R-2 District -Single Family Residential (Low Density)	Agricultural
SOUTH	R-2 District -Single Family Residential (Low Density)	Huntington Hills Subdivision
	R-1 District -Single Family Residential (Moderate Density)	Single Family Homes

### **SUBDIVISION REGULATIONS COMMITTEE COMMENTS**

1. The site must have a positive drainage outlet per Section 4.9 of the Subdivision Regulations.
2. The radius of the two curves to the north of the subdivision is 75 feet. We require a minimum 250 foot radius. (Refer to Table V-B of Subdivision Regulations). The Subdivision Regulations Committee is willing to work with the developer to find a solution that achieves the intended subdivision design that is somewhere in between the proposed 75 foot and required 250 foot radius. The Subdivision Regulations Committee recommends the applicant provide AASHTO standards or other engineering standards for the Committee to consider for the radius of these two curves.
3. The Subdivision Regulations currently require 35 foot front setbacks; the applicant is proposing 30 foot setbacks. RPC staff recommends approval of the modification to decrease the setbacks to 30 feet.
4. We will want to see a phasing plan for the subdivision provided with the preliminary plan.
5. In terms of pedestrian access, we require 5 foot sidewalks to comply with current ADA regulations. We will also want to see pedestrian crossings that will be needed throughout the subdivision for the asphalt recreation path.

APPLICANT: MI Homes – Continued

6. The path that extends north from Refugee Road needs to connect to the overall pedestrian system within the subdivision.
7. Maintenance of the recreation path will need to be addressed.
8. The preliminary plan must show the boundaries of the current FEMA floodplain and floodway maps. A flood building permit will be required before any site improvements commence.
9. The preliminary plan must include the requirements provided in the Subdivision Regulations. Please refer to section 3.3.8(A-V) for further clarification
10. Other review agency comments.

**RPC STAFF RECOMMENDATION**

The development appears to comply with the Violet Township P-D requirements and is in agreement with the township and county future land use plan recommendations. RPC Staff recommends approval of the proposed development subject to the Subdivision Regulations Committee comments listed above.

A motion was made by Ira Weiss to approve the RPC staff recommendation. Bill Yaple seconded the motion. Discussion followed regarding concerns about traffic cutting through the school and also road width and emergency vehicles. Doug with MI Homes stated that a traffic study is going on now while school is in session. Doug also stated that they plan to connect with the bike path and are considering no parking on one side of the street. After discussion, a vote was taken and the motion passed with Harry Myers abstaining.

James Mako presented the following report:

**ITEM 5c. APPLICANT:** Walnut Township Trustees

**LOCATION & DESCRIPTION:** The properties proposed to be rezoned consists of 5 parcels on the south side of Fairfield Beach Road and parcels on the north side of Fairfield Beach bordered by Alder Road and Rosewood Roads. A small section of parcels between Alder Drive, Elm Road and Forest Road are not included in this rezoning request (these 9 parcels were rezoned from B-2 to RMU in 2014).

**EXISTING ZONING:** The properties are currently zoned B-2 (Commercial Business District). The B-2 District is established to provide a variety of retail and service establishments and provide personal and professional services that serve the community sized-and larger-trading area population.

APPLICANT: Walnut Township Trustees - Continued

**EXISTING LAND USE:** Single family residential homes with some vacant lots. There are existing businesses located at 5600 Fairfield Beach Road and 5568 Fairfield Beach Road.

**PROPOSED REZONING:** RMU Recreational Mixed Use District: It is the intent of this district to provide for a mixture of residential uses with commercial service and recreational uses associated with resort development. It is further the intent of this district to provide limited business uses that are scaled to blend with the surrounding area. The Recreational Mixed-Use District may be applied to land that does not directly abut Buckeye Lake but is within the general vicinity of this recreational area.

**PROPOSED USE:** Same as existing

**ADJACENT ZONING**

NORTH	R-2 One and Two Family Residential
EAST	R-R Rural Residential
WEST	R-R Rural Residential
	R-3 Multi-Family
SOUTH	B-3 Intensive and Motorist Services Business
	B-2 Commercial Business
	R-R Rural Residential

**ADJACENT USE**

Single Family Homes
Agriculture
Agriculture
Agriculture
Single Family House
Single Family House
Single Family Homes/Agricultural

**RPC STAFF RECOMMENDATION:**

RPC Staff recommends modification of the rezoning with the following comments:

1. In May of 2014 the township proposed to rezone 9 parcels in Fairfield Beach (along Elm and Forest Roads) from B-2 to RMU. At the time, RPC Staff recommended that the township should rezone the entire area to the RMU in order to make the zoning uniform and more consistent with the existing residential nature of the area while still allowing for some commercial uses. Staff is supportive of the township moving forward with rezoning this portion of Fairfield Beach to the RMU District.
2. RPC staff recommends retaining the B-2 zoning classification in the southeast corner of the proposed rezoning. This would result in eliminating the following parcel numbers from this rezoning: 0460037900, 0461072100, 0461072200, 0461081000, 0461081100, 0460037800, 0460037700, 0480245900, 0460037810 and 0480245910. These parcels are shown on the attached map. RPC staff believes that the character of this southeast area is different from the rest of the Fairfield Beach neighborhood. RPC staff believes that this area may be more likely to develop with more intense commercial uses due to Fairfield Beach Road being the main east/west corridor through the area. It will also be a continuation of the existing B-2/B-3 zoning that currently exists on the south side of

APPLICANT: Walnut Township Trustees – Continued

Fairfield Beach Road further to the west. For these reasons, RPC staff recommends the above referenced parcels be eliminated from the rezoning request and retain their existing B-2 zoning classification.

A motion was made by Hart Van Horn to approve the RPC staff recommendation. Gail Ellinger seconded the motion. Kevin Clouse, Walnut Township Zoning Inspector, stated that the current zoning severely limits what people can do with their properties and lending institutions have denied them for a loan. Kevin also stated that one owner is wanting to add a structure to his property and this zoning will not allow it. After discussion, a vote was taken and the motion passed with Larry Neeley abstaining.

James Mako presented the following report:

**ITEM 5d. APPLICANT:** Dan Zimmerman

**LOCATION & DESCRIPTION:** The property proposed to be rezoned is located at 13969 Custers Point Road (parcel ID# 0480241900 R 18 T 17 S 24 NE). The property is 3.01 acres in size.

**EXISTING ZONING:** B-2 Commercial Business District: The purpose of this district is to provide for a variety of retail and service establishments and provide personal and professional services that serve a community sized-and larger-trading area population. This district is also intended to accommodate retail trade establishments in the community that cannot be practically provided for in a neighborhood business district.

**EXISTING LAND USE:** Single family residential homes and cottages with a private drive (Kenny’s Beach Road).

**PROPOSED REZONING:** RMU Recreational Mixed Use District: It is the intent of this district to provide for a mixture of residential uses with commercial service and recreational uses associated with resort development. It is further the intent of this district to provide limited business uses that are scaled to blend with the surrounding area. The Recreational Mixed-Use District may be applied to land that does not directly abut Buckeye Lake but is within the general vicinity of this recreational area.

**ADJACENT ZONING**

**ADJACENT USE**

NORTH	R2-LF One & Two Family Lake Front Residential	Single Family Home Buckeye Lake
EAST	Perry County	Perry County
WEST	R1-LF Single Family Lake Front Residential	Single Family Homes
SOUTH	R-2 One and Two Family Residential	Vacant
	R1-LF Single Family Lake Front Residential	Single Family Homes



APPLICANT: Dan Zimmerman – Continued

**RPC STAFF RECOMMENDATION:**

RPC Staff recommends approval of the rezoning with the following comment:

1. As with other residential areas in Fairfield Beach that are zoned B-2 (Commercial Business District), RPC staff believes that the Recreational Mixed Use District is the appropriate zoning classification for areas adjacent to Buckeye Lake.

A motion was made by Gail Ellinger to approve the RPC staff recommendation. Donna Abram seconded the motion. Ira Weiss asked if the structure on this property affects the dam. Holly Mattei responded that it does not affect the dam. After discussion, a vote was taken and the motion passed with Larry Neeley abstaining.

James Mako presented the following report:

**ITEM 5e. Applicant:** Walnut Township Trustees

**Proposed Revisions:** Walnut Township has submitted a list of text amendments to their zoning code. The amendments are attached as Exhibit A and are summarized below:

1. The township is proposing to amend Section 9.9 to add a new paragraph that includes requirements for accessory structures within the Recreational Mixed Use District.
2. The township is proposing to amend Section 3 and add the definition of dangerous wild animals. The township is also proposing to amend Section 9.2 to add dangerous wild animals as a conditional use in the RR District and add language in Section 10 (General Development Standards) that deal with dangerous wild animals.
3. The township is proposing to amend Section 3 and add language expanding the definition of accessory structures, dwellings, fair market value, fences, permanent foundations, setbacks and substantial completion.
4. The township is proposing to amend Section 5.7 and add language to the non-conforming use regulations expanding the use of fair market value when determining damages to non-conforming uses.
5. Minor text changes are proposed to Sections 7.1 and 7.2
6. For Sections 9.2 (F) -9.7 (F), the township is proposing to add the words “for dwellings”.
7. The township is proposing to amend Section 10.2 and add language for the measurement of setbacks.
8. The township is proposing to amend Section 10.7 adding language for recreational vehicles.
9. The township is proposing to amend Section 10.6 adding language for temporary dwellings.

Applicant: Walnut Township Trustees - Continued

10. The township is proposing to amend Sections 9.2, 9.3, 9.4 and 9.5 revising language to allow for larger sheds or two sheds.
11. The township is proposing to amend Section 9.13 revising the permitted uses within the I-1 District.
12. The township is proposing to add Section 9.17 to their zoning code which would establish a new zoning district, Park District (PD). The township has included a map of the parcels proposed to be included within the new Park District.

**REGIONAL PLANNING COMMISSION STAFF RECOMMENDATION:**

RPC staff recommends approval with the following comments:

1. RPC Staff has identified several typos and incorrect cross references. Staff will be sharing these directly with the township.
2. The township should have legal counsel review the proposed dangerous and wild animal language to make sure it is not too restrictive.
3. The proposed amendments to Sections 9.2-9.5 appears to conflict with the definition of sheds in Article III (under Accessory Structures). Article III defines sheds as being less than 160 square feet or less. If the township wishes to increase the size of shed, then the definition should be revised as well. In addition, the proposed amendment to Section 9.2 allows a 500 square foot maximum for sheds. This seems to be a rather large increase from the current 160 square foot requirement.
4. Several of the amendments to the Definitions section include language that is typically found within a building code. RPC Staff would encourage the township to consult with legal counsel to determine that the added language is permissible within a zoning code.
5. Under the Temporary Building section it allows the township to collect a \$400 refundable cash deposit. RPC staff would encourage the township to consult with legal counsel to ensure that this requirement is within the police powers of the township.

A motion was made by Bill Yaple to approve the RPC staff recommendation. Ira Weiss seconded the motion. Kevin Clouse stated that he has reviewed the RPC staff comments and will discuss them with the township. After discussion, a vote was taken and the motion passed with Larry Neeley abstaining.

Holly Mattei presented the following report:

**ITEM 6. COURT OF COMMON PLEAS COURT DECISION – FALLON V. THORLA, ET AL.**

Holly Mattei discussed the Fallon v. Thorla lawsuit which is a case regarding a lot split that was approved on the north side of Buckeye Lake and a neighbor opposing the lot split. Holly stated that the Judge in this lawsuit ruled that the Regional Planning Commission followed the correct standards and sent it back to the township to correct their standards and then it would be brought back to the RPC. Holly said that she received an email that day indicating that an appeal had been filed on this case.

Holly Mattei presented the following bills for payment:

**ITEM 7. BILLS**

561000	OFFICE SUPPLIES	\$ 42.44
530005	CONTRACT SERVICES - OTHER	\$ 754.24
543000	REPAIR AND MAINTENANCE	\$ 112.53
558000	TRAVEL & EXPENSES	\$ 175.90
	TOTAL	\$ 1,085.11

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

**ITEM 8. OTHER BUSINESS**

Holly Mattei thanked the RPC staff for all of their work on this meeting packet and also thanked the RPC members for staying so late at the meeting.

There being no further business, a motion was made to adjourn the meeting by Todd Edwards 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