

MINUTES

November 4, 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: Kent Huston, President

Present: Donna Abram, Zack DeLeon, Joel Denny, Tammy Drobina, Todd Edwards, Gail Ellinger, Rachel Elsea, Ivan Ety, Doug Ingram, Larry Joos, Harry Myers, Jerry Rainey, Peter Rockwood, Dan Singer, Jason Smith, Mary Snider, John Snook, Ira Weiss, 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 October 7, 2014 Fairfield County Regional Planning Commission meeting were presented for approval. Pete Rockwood made a motion for approval of the minutes. Todd Edwards seconded the motion. Motion passed.

ITEM 2. PRESIDENT'S REPORT

Kent Huston welcomed everyone to the meeting. Kent announced that there will be an Executive Committee meeting immediately following the RPC meeting to review the Final 2015 Budget.

ITEM 3. PRESENTATION

A presentation was given by Jonathan Ferbrache with the Fairfield Soil and Water Conservation District regarding the Natural Resource Assistance Council (NRAC).

ITEM 4. SUBDIVISION ACTIVITIES

Holly Mattei presented the following report:

ITEM 4a. SUBDIVISION: US 33- Variance to Section 2.3- Frontage Requirement

OWNER/DEVELOPER: Appalachia Ohio Alliance

SURVEYOR/ENGINEER: N/A

LOCATION AND DESCRIPTION: Located between the Hocking River and US 33 on the eastside of US 33 in Berne Township, Township 14, Range 18, Section 33. Appalachia Ohio Alliance (AOA) will be purchasing a 20 acre tract of land through funding from the Clean Ohio Program. The remaining area will consist of a 17 acre conservation easement between the riparian buffer strip and US 33. The buffer along the river will be replanted with trees and appropriate signs will be established labeling the riparian zone. AOA has contacted the Department of Transportation for continued use of existing access drive to the field along US 33. No additional building will be constructed.

SUBDIVISION REGULATIONS COMMITTEE RECOMENDATION: The Subdivision Regulations Committee recommends approval of the variance, subject to the following conditions:

1. We need clarification of acreage to be split and sold versus the acreage to be retained under current ownership with a conservation easement. The County Auditor's site indicates this parcel is 43.48 acres. The application indicates that a 20.5 acre parcel will be created to protect a portion of the floodplain and riparian buffer along the Hocking River. The application further states that a 17 acre conservation easement will be created between US 33 and the riparian stream buffer. Will the parcel remaining under current ownership include the rest of the acreage (+/-5.98 acres) but without an easement?
2. Access easement language must be included in the conservation easement to ensure that access will be provided across the 17 acres to the 20 acre parcel. This language must be acceptable to the Technical Review Agencies prior to the lot split being approved.
3. The applicant must provide documentation that ODOT has granted approval to utilize the existing field access for both parcels.
4. The deed for the 20.5 acre parcel must include language that it shall not be utilized for building purposes.
5. Prior to the lot split being approved, the applicant shall provide evidence to the RPC staff that the Berne Township Zoning Inspector has indicated the proposed parcels comply with the township zoning.

A motion was made by Ira Weiss to approve the Subdivision Regulations Committee recommendation. Gail Ellinger seconded the motion. Discussion followed regarding access to US 33 and what would happen if they have limited access. Steve Goodwin, a representative of the applicant, was present at the meeting. He stated that he would be hesitant to speculate on what ODOT would do regarding limited access but a neighbor said they would give them access if needed. After discussion, a vote was taken and the motion passed.

Holly Mattei presented the following report:

ITEM 4b. SUBDIVISION: State Route 158- Variance to Section 2.3 – Road Frontage

OWNER/DEVELOPER: Larry Wolfe

SURVEYOR/ENGINEER: N/A

LOCATION AND DESCRIPTION: Located along the west side of State Route 158 just south of the Coonpath Road and SR 158 intersection. The proposed variance is to allow for less than 125 feet of frontage which is required by Section 2.3 of the county's Subdivision Regulations. In 1979, this parcel was created through a court order. The RPC office stamped it as "exempt" due to the court order. At that time, the 4.593 acre lot became an existing parcel of record.

In 2013, this 4.593 acre parcel was transferred to the applicant, who also owns a 2.64 acre parcel to the south with minimal frontage on SR 158. When the parcel was transferred, "tie" language was placed on the deed requiring it to be used in conjunction with the 2.64 acre parcel and not allowing it to be a separate building site. According to the applicant, he was unaware that this restriction was placed on the deed at that time. The applicant is requesting the variance so that the tie language may be removed and this site be returned to a parcel of record as it existed prior to 2013.

SUBDIVISION REGULATIONS COMMITTEE RECOMMENDATION: The Subdivision Regulations Committee recommends approval of the variance to Section 2.3, subject to the following conditions:

1. The applicant must provide documentation that ODOT has granted approval to utilize the existing driveway on the 2.64 acre parcel to access the 4.593 acre parcel.*
2. An access easement must be provided across the 2.64 acre parcel to ensure access is provided in perpetuity to the 4.593 acre parcel.**
3. A maintenance agreement for the shared driveway must be submitted.
4. A soil analysis, per the Health Department requirements, must be submitted. The applicant must provide evidence from the Health Department that this site can support an on-site water and wastewater system that complies with its regulations.
5. We need assurance that the applicant has complied with all Greenfield Township zoning requirements.*

*The applicant provided this information after the Subdivision Regulations Committee meeting on October 27th.

**The applicant provided limited easement language to RPC staff after the Subdivision Regulations Committee meeting. This access easement needs to provide an easement width and better describe the parcel to which access is being provided (i.e. 4.593 acre parcel).

A motion was made by Bob Clark to approve the Subdivision Regulations Committee recommendation. Pete Rockwood seconded the motion. Motion passed with Larry Joos abstaining.

ITEM 5. PROPOSED ZONING MAP AMENDMENT

James Mako presented the following report:

ITEM 5a. APPLICANT: Richard Reinhorn

LOCATION & DESCRIPTION: The property proposed to be rezoned is located at 1375 Custer's Point Road north of the Crescent Cove Subdivision (parcel # 0480241410). The property is .459 acres in size.

EXISTING ZONING: The property is 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. The current use of the subdivision to the south is small single family dwellings.

EXISTING LAND USE: Vacant Land

PROPOSED REZONING: R-2 (One and Two Family Residential District) The R-2 District is established to provide for an area for one and two family dwelling units on smaller lots adjacent to urban areas where central water and sewer are provided. Permitted uses with the R-2 district shall operate: One detached single family dwelling per lot, including permanently sited manufactured home contains a minimum livable floor area of one thousand three hundred square feet. Secondly two family dwellings provided each dwelling unit contains a minimum of six hundred fifty square feet of livable floor area.

ADJACENT ZONING

NORTH	B-2 Commercial Business District
EAST	Perry County
WEST	R-1 Single Family Residential
SOUTH	R-2 One and Two Family Residential

ADJACENT USE

Single Family House
Perry County
Single Family House
Single Family House

RPC STAFF RECOMMENDATION:

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

1. Rezoning this parcel from a business district to a residential district is consistent with the County's Future Land Use Plan and the existing residential nature of the area.
2. As staff noted in the variance request earlier this year, lots within the adjacent Crescent Cove Subdivision are of similar size as proposed with this variance (approximately 100' x 200').
3. It is RPC staffs understanding that the area proposed to be rezoned is the 100' x 200' proposed lot. Applicant should provide Walnut Township an accurate legal description of the property proposed to be rezoned.

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

Holly Mattei presented the following bills for payment:

ITEM 6. BILLS

561000	OFFICE SUPPLIES	\$	41.73
558000	TRAVEL & EXPENSES	\$	188.15
543000	REPAIR AND MAINTENANCE	\$	<u>72.97</u>
	TOTAL	\$	302.85

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

ITEM 7. OTHER BUSINESS

Jonathan Ferbrache introduced Robert Maynard with the NRAC. Joel Denny asked about the Land Bank and the process involved. Carri Brown stated that the process is just beginning for blighted properties through the NIP grant. More information will be conveyed as the process evolves.

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

Minutes Approved By:

Kent Huston, President

Mary K. Snider, Secretary