

RECORD OF PROCEEDINGS

Minutes of

Danbury Township Board of Trustees Special
Public Hearing-Case #ZC-2015-102

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

September 9, 2015

The Special Meeting of the Danbury Township Board of Trustees held at the Danbury Township Hall, 5972 E. Port Clinton Eastern Road, Marblehead, Ohio on September 9, 2015, was called to order at 6:00 p.m. by President Charles B. Scott; the pledge of allegiance was recited, with Mr. Scott, Ms. Dianne M. Rozak in attendance. Mr. David M. Hirt was excused. Also present Fiscal Officer Shelley Seamon and Zoning & Planning Administrator Kathryn Dale.

Visitors attending were Jodi Kopanski, Ken Balsom, Phil Stone, Carl Zoelbel, and Tim Coleman.

Mr. Scott announced that the purpose of the public hearing was to hear Zoning Commission Case # ZC-2015-102; Text Amendments to Section 3.1.10.xvi to substitute "Business, Recreation" with "Business, Neighborhood" and Section 2.2 Definitions to expand the definition of Recreational Facility .

Zoning & Planning Administrator Kathryn Dale reported that the Zoning Commission began looking at the "RC" Recreational Commercial Zoning District regarding definitions of certain uses as well as discussing if some of these uses should continue or if they should go under a conditional use.

The Commission decided to start with the "RC" Recreational Commercial Zoning District definitions first. Due to the concerns the Commission had regarding on what that might include a work session was held and about 20 residents attended.

Residents were given a list of uses that generally fall under the "Recreational Facility" definition and were asked to categorize the uses as being allowed or not allowed. There were a few uses from the list that fell under the "Not Allowed" category, but the Commission had concerns on how that would affect some existing businesses.

For example, water parks, splash parks, and swimming pools were left out at this time because the Commission discussed that may be those uses would be better served under a definition such as "Commercial Amusement Enterprise". Mrs. Dale shared that it was not so much that they shouldn't be allowed, but the Commission just didn't feel that it was appropriate for a "Recreational Facility" type definition based on what currently exists.

Mrs. Dale explained that the Ottawa County Regional Planning Commission met on August 18, 2015 and unanimously voted to recommend approval of the text amendments as presented.

Mrs. Dale also explained that the Zoning Commission met on August 26, 2015 and voted unanimously to recommend approval of the text amendments as presented also.

Mrs. Dale shared that part of the reason why "Recreational Business" is being substituted with "Neighborhood Business" was at the advisement of legal counsel because "Recreational Business" was defined as catering the seasonal tourist population.

Mrs. Dale indicated that this was to potentially eliminate any confusion that "Recreational Business" may have had with a "Recreational Facility". Mrs. Dale further explained that legal counsel had advised that swapping out "Neighborhood Business" because a "Neighborhood Business" is usually a smaller scale and can be intermixed with residential or residential areas. However, it would still serve the tourist population, such as Bait & Tackle shops, and kayak or Jet Ski rentals.

Mrs. Dale stated that the Zoning Commission is not done with this Chapter and at their last meeting the Commission made an outline regarding what to do next with this Zoning District.

Mrs. Dale also stated that the Commission will be focusing on some uses that are listed as conditional uses that have no additional standards to them and they will also keep working on definitions for some of those uses to help clarify what the intentions are with those.

Mrs. Dale explained that the Commission is addressing this Chapter methodically and in phases, so that once trickier sections are encountered, the Commission does not want those sections to potentially be denied or appealed by referendum and then turned down.

Ms. Rozak asked Mrs. Dale if the intent was if when you are comfortable with a section of Chapter to take it through the process and then move forward as the Zoning Commission sees fit.

Mrs. Dale responded that this was correct.

Mr. Scott asked Jodi Kopanski who is the Chair of the Zoning Commission if she had anything she would like to add.

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Ms. Kopanski responded that just basically what Kathy had said, to try and get that whole section to make more sense. Ms. Kopanski also responded that it is going to take a process and we don't want to bite off more than we can chew at one sitting.

Ms. Rozak shared that she liked Kathy's idea about the public exercise and indicated as it goes forward that was a great idea.

Ms. Kopanski added that the more public input the better we have, the better we feel about making decisions.

Mr. Scott opened the floor for public input.

Phil Stone said he had a question going back to the motor cross park. Mr. Stone said he knows that the property along the road was all zoned the same, but there are properties down the road that that type of thing could be there, which would not have any impact on the residential areas or anything like that.

Mr. Stone said that he was thinking rather than deciding what is carte blanche what is acceptable and what isn't acceptable. Mr. Stone also said that there should be a Board such as yourselves that is like somebody or a group that is going to decide based on what type of business it is and what impact will it have on traffic, the residential areas that are right there, and on environmental issues, etc., etc.

Mr. Stone indicated that every tract of land is a little bit different and a business may not be appropriate next to a residential area there, but a half mile down the road a there is a big tract of land where I don't think there is any residential land, may have a whole different impact.

Mr. Stone said that he thinks rather than just carte blanche, say we are not going to have this and this and this; it might be a better way to look at each type of thing separately. Mr. Stone stated that was his feeling on it.

Mrs. Dale responded to Mr. Stone by saying that part of why the Township has the Zoning Commission is to start to do that and the Township also has plans to update the Land Use Plan, which is going to be a guiding document for exactly those types of issues.

Mrs. Dale shared that one of the other things the Zoning Commission is considering, is whether or not we need to rezone a lot of residentially platted property. Mrs. Dale indicated that the Zoning Commission had briefly looked at that and kind of listed streets where we have subdivisions and the lots within them that are zoned "Recreational Commercial", which could have commercial use on them.

Mrs. Dale explained that is the big undertaking that we don't want to get down that path and then have some of these smaller things overturned if that gets very controversial.

Mrs. Dale also explained that it is part of purpose of the Zoning Commission is to look at just those things.

Mrs. Dale shared that during discussion at the Zoning Commission, she expressed to the Commission that she thinks a lot of our concerns about those commercial type uses next to or within residential developments, if those residential lots (platted lots) are zoned correctly to begin with.

Mrs. Dale acknowledged that this was something the Commission would dive into more through this process and then they will certainly be picking up on some of your (Mr. Stone's) other comments, you know with the Land Use Plan and trying to decipher where things should appropriately go.

Ken Balsom asked if there wasn't another 6 acres land that abuts the 12 acres land that is for sale now. Mr. Balsom also asked whether anyone knew if the person owning the 12 acres land was trying to acquire the abutting 6 acres of land.

Mr. Scott responded that the 6 acres of land abutting the 12 acres is owned by Richard Bell. Mr. Scott stated that the 6 acres is for sale and has been listed on and off over the past several years, however he is not aware if there is any contract for the sale of the property.

Mrs. Dale shared that Mr. Bell's property is zoned differently than the 12 abutting acres Mr. Balsom was referring to and indicated that the property is zoned "R-2", which is residential.

Ms. Rozak shared that she did appreciate your (Mr. Stone's) comments and indicated that the comments were seriously well taken.

Ms. Rozak explained that she has worked on the Land Use Plans for several years and indicated that the next update of the Land Use Plan was to be in 2017. Ms. Rozak stated that is as Kathy said a guiding document to things that existed 20 or 30 years ago, that didn't exist are here now and vice versa.

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Ms. Rozak also stated that the Land Use Plan was a very important document for the Township to follow.

Mr. Stone said his thinking was that to say a certain type of business could be banned, but may be fully appropriate in another location.

Mrs. Dale reported that for the Zoning Commission to move forward with this, that during the group activity there was a lot of discussion about uses that should be allowed, but then discussed occurred that it would be appropriate if it were indoors, but may be not so much if it were outdoors.

Mrs. Dale explained that this told us that we may need to focus on may be expanding this definition even further later on into the indoor/outdoor uses or possibly having "Outdoor Recreational Facility", since not a use specifically listed currently having outdoor facilities as a conditional use but indoor facilities is as a permitted use. So that you have that opportunity to review, input, taken in consideration traffic and those types of concerns during a more formal review process.

Ms. Rozak announced that if there was no further discussion she would read the resolution and acknowledged that the resolution was amended to read special session, not regular session.

The following action was taken: Ms. Rozak moved to approve the text amendments as presented in Resolution No. 22-2015. Mr. Scott seconded the motion. The vote was unanimous and motion carried. List below is a copy of the resolution.

Resolution No. 22-2015

The Board of Trustees of Danbury Township, County of Ottawa, Ohio, met in special session at 6:00 p.m., on September 9, 2015, at the Danbury Township Hall, 5972 E. Port Clinton Eastern Road, Marblehead, Ohio 43440, with the following members present: Ms. Dianne Rozak; Mr. Charles Scott; David Hirt-Excused

Ms. Rozak introduced the following resolution and moved its adoption:

RESOLUTION NO. 22- 2015**A RESOLUTION ADOPTING TEXT AMENDMENTS TO THE ZONING RESOLUTION RELATED TO SECTION 3.1.10 "RECREATIONAL COMMERCIAL" ZONING DISTRICT AND SECTION 2.2 "RECREATIONAL FACILITY" DEFINITION.**

WHEREAS, on August 5, 2015 the Danbury Township Zoning Commission, in accordance with Ohio Revised Code section 519.12(A)(1) initiated, by motion, the following amendments to the Danbury Township Zoning Resolution:

- *Section 3.1.10.xvi Recreational Commercial Zoning District, substituting "Business, Recreational" with "Business, Neighborhood".*
- *Section 2.2 Definitions #131 to expand the definition of "Recreational Facility".*

WHEREAS, said text amendments were forwarded to the Ottawa County Regional Planning Commission (OCRPC) August 6, 2015 and considered by the Ottawa County Regional Planning Commission (OCRPC) on August 18, 2015 where the Commission recommended unanimous approval of said text amendments as presented; and

WHEREAS, the Danbury Township Zoning Commission held a Special Public Hearing on August 26, 2015 and by motion and vote, the Zoning Commission unanimously recommended approval of said text amendments; and

WHEREAS, the Board of Trustees held a public hearing on September 9, 2015 and, at the conclusion of the public hearing, voted to accept the recommendation of the Zoning Commission as set out in Exhibit A as attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Danbury Township, Ottawa County, Ohio:

- 1) The Board finds that:
 - a. The proposed amendment will clarify the intent of the Resolution.
 - b. The proposed amendment will better implement the intent of the Resolution.
- 2) The Board does hereby adopt the amendment to the Danbury Township Zoning Resolution attached hereto as Exhibit A; and
- 3) That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action

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were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code; and

- 4) That this Resolution shall be effective at the earliest date allowed by law.

Mr. Scott seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows: Vote Record: Ms. Rozak-yes; Mr. Scott-yes; Mr. Hirt-Excused.

ADOPTED this 9th day of September, 2015.

There being no further business before the Board Ms. Rozak moved and Mr. Scott seconded the motion to adjourn at 6:20 p.m. The vote was unanimous and motion carried.

Shelley J Seamon

Fiscal Officer

Charles B. L...

James M...

Danbury Township Board of Trustees