

**DANBURY TOWNSHIP BOARD OF TRUSTEES
SPECIAL MEETING MINUTES
PUBLIC HEARINGS
ZC-2017-010 & ZC-2017-011
MARCH 22, 2017**

The special meeting of the Danbury Township Board of Trustees held at the Danbury Township Hall building on March 22, 2017, was called to order at 6:05 p.m. by President Charles B. Scott. The pledge of allegiance was recited. The roll being called, the following members were present: Mr. Charles B. Scott, Ms. Dianne M. Rozak, and Mr. David M. Hirt.

Also present were, Fiscal Officer Shelley Seamon and Zoning & Planning Administrator Kathryn A. Dale.

Visitors in attendance were John Paul Dress, and Dan Dudley.

The purpose of the special meeting was for the Board to conduct 2 public hearings on the following cases:

- 1. ZC-2017-010 424 & 434 S Bridge Road**
Request for a Map Amendment for "A" Agricultural to "C-2" General Commercial for approximately 1.90 acres at the rear of a 4.358 acre parcel (PIN# 0141147815711006) located at 434 S. Bridge Road, and including all of 424 S. Bridge Road, a 1.621 acre parcel (PIN# 0141147815711005). Route 269 Marine, LLC/Michael Pollock, Owner/Applicant.
- 2. ZC-2017-011 Lakeside Association.**
Request for a Text Amendment to Article 5, Section 5.2 eliminating Automobile Parking Requirements for nonresidential uses in the "LBO" Lakeside Business District Overlay. Lakeside Association, Applicant.

ZC-2017-010

Mr. Scott introduced case **ZC-2017-010**, which was a Map Amendment request from "A" Agricultural to "C-2" General Commercial for 424 & 434 S. Bridge for Route 269 Marine LLC, Michael Pollock Owner/Applicant.

Mr. Scott asked Zoning & Planning Administrator Kathryn A. Dale to summarize the case.

Mrs. Dale acknowledged that the owner Michel Pollock was not in attendance and explained Mr. Pollock had contacted the office yesterday, however she had not spoken with Mr. Pollock; Zoning Assistant Cheryl Harmsen had taken Mr. Pollock's call. Mrs. Dale shared that Mr. Pollock did not leave a message and indicated she had not heard from him.

Mrs. Dale announced that Zoning Commission Chair John Paul Dress was present. and explained she felt the public hearing could proceed because she did not recall Mr. Pollock having any more to add to the staff report or from the Zoning Commission hearing.

CASE SUMMARY

Mrs. Dale reported that Mr. Pollock is requesting the rear 1.90 acres of the 4.358 acre parcel be rezoned from "A" Agricultural to "C-2" General Commercial. Mrs. Dale explained that the property currently has split zoning and Mr. Pollock would like for the entire parcel to have a uniform zoning classification. Mrs. Dale also explained that Mr. Pollock is requesting that the adjoining 1.621 acre parcel, with frontage along S. Bridge Road be rezoned from "A" Agricultural to "C-2" General Commercial, which is just to the north of the first property.

Mrs. Dale shared that in 2004 (ZC-2004-010), prior property owners applied to rezone the 4.358 parcel from all "A" Agricultural to "C-2" General Commercial, but at that time the Danbury Township Land Use Plan stated that only the front 600 feet of the property would be appropriate for the "C-2" classification. Mrs. Dale indicated that the Danbury Township Land Use Plan in effective now calls for 600 feet of commercial along both sides for S. Bridge Road/SR 269. Mrs. Dale explained that it is likely the 2017 Danbury Township Land Use Plan update will promote some overlap and flexibility to extend beyond the "limits" recommended if the market demands additional commercial zoning, in part so parcels do not end up with split zoning if it does not make good planning sense.

Mrs. Dale explained that Mr. Pollock had obtained a permit to construct a 12,000 square foot commercial building on the portion of land that is zoned "C-2". Mrs. Dale also explained that the rear portion of this property ever being used in a residential or agricultural manner was not likely.

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The **Surrounding Vicinity** zoning classifications to these parcels are as follows:

- **North** "A" Vacant Land & SF Home
- **East** "C-2" Boytim Fish Cleaning, Danbury Twp. Police Station, Home Occupation/Jet Ski & Boat Service
- **South** "A" SF Homes
- **West** "A" Farmland

REGIONAL PLANNING COMMISSION DECISION

The Ottawa County Regional Planning Commission (OCRPC) held a public hearing for the proposed map amendment on February 21, 2017 and the OCRPC voted to recommend approval of the rezoning request based on the Danbury Township Land Use Plan and the current use of the surrounding land.

DANBURY TOWNSHIP ZONING COMMISSION DECISION

The Danbury Township Zoning Commission (DTZC) held a public hearing on March 1, 2017 for the proposed map amendment and the DTZC voted to recommend approval of the rezoning request citing decision standard "ii" and "iv" of Section 7.6.7.B of the Danbury Township Zoning Resolution as being satisfied.

A brief discussion between Ms. Rozak and Mrs. Dale regarding ownership of the parcels for this rezoning request occurred and resulted that Mr. Pollock owns both parcels involved in the rezoning request as well as the parcel that is already zoned "C-2".

Ms. Rozak was in favor of the rezoning request, which she said was based on the Danbury Township Land Use Plan where it talks about the blending of various classifications of businesses.

Mr. Hirt was in favor of the rezoning request because it fits with the use of the property and the land all away around it.

Mr. Scott was in favor of the rezoning request because the same discussions were held at the Ottawa County Regional Planning Commission hearing held on February 21, 2017.

There was no one present who wished to speak, therefore discussion of the case concluded and the following action was taken: Ms. Rozak moved and Mr. Hirt seconded the motion to approve the Map Amendment as presented in Resolution # 2-2017. The vote was unanimous and motion carried. (Listed below is a copy of Resolution # 2-2017).

RESOLUTION # 2-2017

The Board of Trustees of Danbury Township, County of Ottawa, Ohio, met in special session at 6:00 p.m., on March 22, 2017, 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; Mr. David Hirt.

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

**RESOLUTION NO. 2- 2017
A RESOLUTION ADOPTING AN APPLICATION
FOR A MAP AMENDMENT TO THE DANBURY TOWNSHIP ZONING MAP**

WHEREAS, Ohio Revised Code section 519.12(A)(1) authorizes a amendments to the zoning map initiated by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed, and

WHEREAS, Route 269 Marine, LLC. Michael Pollock, the owner of property, requested a Map Amendment from "A" Agricultural to "C-2" General Commercial for approximately 1.90 acres at the rear of a 4.358 acre parcel (PIN# 0141147815711006) located at 434 S. Bridge Road, and including all of 424 S. Bridge Road, a 1.621 acre parcel (PIN# 0141147815711005); and

WHEREAS, the Ottawa County Regional Planning Commission held a public hearing on February 21, 2017, and recommended approval of the proposed map amendment; and

WHEREAS, the Danbury Township Zoning Commission held a public hearing on March 1, 2017 and by motion and vote recommended approval of the proposed map amendment as presented, and

WHEREAS, on March 22, 2017 the Board of Trustees held a public hearing on said amendment and reviewed all pertinent documents and received public comment, and

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees at the conclusion of the public hearing, by motion and vote, voted to accept the recommendation of the Danbury Township Zoning Commission and that the application for a Map Amendment be approved as presented, finding that

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the Decision Criteria “ii & iv” of Section 7.6.7.B of the Danbury Township Zoning Resolution is satisfied and that the amendment would be in the best interest of the Township and the public, and is in keeping with good land use planning

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

- 1) The Board does hereby adopt the amendment to the Danbury Township Zoning Map attached hereto as Exhibit A; and
- 2) That the property be subject to the regulations of Article 3.1.8 (“C-2” General Commercial) and other applicable sections of the Danbury Township Zoning Resolution, including but not necessarily limited to area regulations, building setbacks, landscaping, buffering and screening, signage, lighting, and parking lot standards; 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 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. Hirt 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 –yes. Motion carried.

ADOPTED this 22nd day of March, 2017.

I Shelley J. Seamon, Fiscal Officer of Danbury Township, **HEREBY CERTIFIED** that the foregoing is a true and correct transcript of a resolution duly passed by this Board of Trustees in session this 22nd day of March, 2017.

ZC 2017-011

Mrs. Dale introduced case **ZC-2017-011**, which was a request for a Text Amendment to Article 5, Section 5.2 eliminating Automobile Parking Requirements for nonresidential uses in the “LBO” Lakeside Business District Overlay for the Lakeside Association, Applicant.

CASE SUMMARY

Mrs. Dale reported that in light of recent projects within Lakeside, the Association evaluated the current zoning requirements as those requirements apply to municipally owned properties.

Mrs. Dale shared that the Association came to the realization that should something catastrophic happen to the Hotel Lakeside, Hoover Auditorium, Orchestra Hall or any other communal, non-residential property, within the “LBO” Lakeside Business Overlay zoning district, due to proximity of other structures and the small size of the lots, it would be nearly impossible to come into compliance with the parking standards for those uses if the above mentioned buildings were lost, rebuilt, or expanded upon. Mrs. Dale indicated that any residential uses in the “LBO” district would still be required to provide 2 off-street parking spaces.

Mrs. Dale explained that the language change was minor and indicated the language in Article 5, Section 5.2, which was “In the L district, the size of the parking spaces shall be a minimum of one hundred sixty-two (162) square feet per parking space, with minimum dimensions of nine (9) feet by eighteen (18) feet”, would be moved and subcategorized. Listed below is the proposed new language.

- **5.2.4** Specific Parking Requirements for the Lakeside (L) District and the Lakeside Business Overlay (LBO) District.
- **5.2.4.A** In the L district, the size of the parking spaces shall be a minimum of one hundred sixty-two (162) square feet per parking space, with minimum dimensions of nine (9) feet by eighteen (18) feet.
- **5.2.4.B** Exceptions: Non-residential uses within the LBO District are excluded from the parking requirements of Section 5.2.1.B and C listed in the table above.

REGIONAL PLANNING COMMISSION DECISION

The Ottawa County Regional Planning Commission (OCRPC) held a public hearing for the proposed Text Amendment on February 21, 2017 and the OCRPC voted to recommend approval.

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DANBURY TOWNSHIP ZONING COMMISSION DECISION

The Danbury Township Zoning Commission (DTZC) held a public hearing for the proposed Text Amendment on March 1, 2017 and the DTZC voted to recommend approval of the Text Amendment as presented finding Decision Standards "i", "ii", "iv" and "v" of Section 7.6.7.A of the Danbury Township Zoning Resolution as being satisfied.

The Board of Trustees did not have any questions regarding this case and there was no one who wished to speak, therefore the following action was taken: Mr. Hirt moved and Mr. Scott seconded the motion to approve the Text Amendment as presented in Resolution # 3-2017. The vote was unanimous and motion carried. (Listed below is a copy of Resolution # 3-2017).

RESOLUTION #3-2017

The Board of Trustees of Danbury Township, County of Ottawa, Ohio, met in special session at 6:00 p.m., on March 22, 2017, at the Danbury Township Building, 5972 E. Port Clinton Road, Marblehead, Ohio 43440, with the following members present: Ms. Dianne Rozak; Mr. Charles Scott; Mr. David Hirt

Mr Hirt introduced the following resolution and moved its adoption:

**RESOLUTION NO. 3- 2017
A RESOLUTION ADOPTING TEXT AMENDMENTS
TO THE DANBURY TOWNSHIP ZONING RESOLUTION**

WHEREAS, Ohio Revised Code section 519.12(A)(1) authorizes amendments to the zoning resolution initiated by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed, and

WHEREAS, Lakeside Association, the owner of property, filed on February 6, 2017 a request for a Text Amendment to Article 5, Section 5.2 of the Danbury Township Zoning Resolution, to create a new subsection 4 for the purpose of eliminating the Automobile Parking Requirements for non-residential uses within the "LBO" Lakeside Business Overlay zoning district; and

WHEREAS, said text amendments were forwarded to the Ottawa County Regional Planning Commission (OCRPC) February 6, 2017 and considered by the Ottawa County Regional Planning Commission (OCRPC) on February 21, 2017 where the Commission recommended unanimous approval of said text amendments as presented; and

WHEREAS, the Danbury Township Zoning Commission held a public hearing on March 1, 2017 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 March 22, 2017 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 at the conclusion of the public hearing, by motion and vote, voted to accept the recommendation of the Danbury Township Zoning Commission and that the application for a Text Amendment be approved as presented, finding that the Decision Criteria "i, ii, iv & v" of Section 7.6.7.A of the Danbury Township Zoning Resolution is satisfied and that the amendment would be in the best interest of the Township and the public, and is in keeping with good land use planning.

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

- 1) The Board does hereby adopt the amendment to the Danbury Township Zoning Resolution attached hereto as Exhibit A; and
- 2) 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 were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code; and
- 3) 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-yes. Motion carried.

ADOPTED this 22nd day of March, 2017.

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I Shelley J. Seamon, Fiscal Officer of Danbury Township, HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution duly passed by this Board of Trustees in special session this 22nd day of March, 2017.

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