

# RECORD OF PROCEEDINGS

Minutes of

Danbury Township Board of Trustees Special

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held \_\_\_\_\_

20

October 25, 2016

The Special Meeting of the Danbury Township Board of Trustees held at the Danbury Township Hall on October 25, 2016, was called to order at 6:15 p.m. by President Charles B. Scott. The pledge of allegiance was recited. The roll being called, the following members were present: Mr. David M. Hirt, Ms. Dianne M. Rozak and Mr. Charles B. Scott.

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

Visitors attending were Kevin Sibbring, John Coppeler, Dan Dudley, John Berger, John Paul Dress, Sonja Kristensen, and Richard Kracer.

The purpose of the Special Meeting was for the Board to discuss and consider ZC-2016-150 for Sonja Kristiansen and ZC-2016-174 for the Lakeside Association.

Mr. Scott turned the meeting over to Zoning & Planning Administrator Kathryn Dale.

Mrs. Dale reported that first case before the Board was for ZC-2016-150, for Sonja Kristensen, Administrator of the Nancy Gentles-Kristensen Estate, which was a request for a Map Amendment to the Danbury Township Zoning Map from "R-3" High Density Residential to "C-2" General Commercial for approximately 12.32 acres at the rear of a 22.534 acre parcel located behind 5754 E. Harbor Road (PIN# 0142047633269001).

Mrs. Dale shared that the property currently does have split zoning on it and indicated Ms. Kristensen would like for the entire parcel to have a uniform zoning classification.

Mrs. Dale reported that in 2001 Ms. Kristensen's mother applied to rezone this property, however the Land Use Plan Use only called for the first 1,000 feet from State Route 163 to be zoned "C-2" General Commercial. Mrs. Dale also reported that since there were no definitive plans at that time, the rear portion of the property remained the "R-3" designation and stated the current Land Use Plan, shows the entire property being recommended for commercial use and provided the zoning classifications for several neighboring parcels.

Mrs. Dale stated that the Ottawa County Regional Planning Commission held a public hearing on September 20, 2016 and recommended approval as presented.

Mrs. Dale also stated that the Zoning Commission held a public hearing on October 5, 2016 and recommended approval of the proposed map amendment as presented based on the Decision Criteria "ii" of Section 7.6.7.B of the Danbury Township Zoning Resolution which states the amendment will make the zoning map conform more closely with the Land Use Plan.

Mr. Scott opened the floor for public comment. There were no public comments; therefore Ms. Rozak moved and Mr. Hirt seconded the motion to approve the Map Amendment request as presented in Resolution No. 13-2016. The vote was unanimous and motion carried. Listed below is a copy of Resolution No. 13-2016 in its entirety.

**The Board of Trustees of Danbury Township, County of Ottawa, Ohio**, met in special session at 6:00 p.m., on October 25, 2016, 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. 13- 2016**  
**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 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**, Sonja Kristensen, Administrator of the Nancy Gentles-Kristensen Estate, Owner of property located behind 5754 E. Harbor Road (PIN# 0142047633269001), filed Case No. ZC-2016-150, an application for a Map Amendment to the Danbury Township Zoning Map from "R-3" High Density Residential to "C-2" General Commercial for approximately 12.32 acres at the rear of a 22.534 acre parcel.

**WHEREAS**, the Ottawa County Regional Planning Commission held a public hearing on September 20, 2016, and recommended approval of the proposed map amendment; and

**WHEREAS**, the Danbury Township Zoning Commission held a public hearing on October 5, 2016 and by motion and vote recommended approval of the proposed map amendment as presented; and

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**WHEREAS**, on October 25, 2016 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 the Decision Criteria "ii" 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.

**ADOPTED** this 25<sup>th</sup> day of October, 2016.

Mrs. Dale reported that the second case before the Board was ZC-2016-174, for the Lakeside Association. An application for a Map Amendment to the Danbury Township Zoning Map from "L" Lakeside to "LBO" Lakeside Business Overlay for approximately 6.097 acres, for multiple parcels consisting of PIN# 0140462303931000 (Block 62, Lots 8-10), 0140462305940000 (Block 62, Lots 18-20), 0140462305969000 (Block 65, Lots 10-12) & 0140462305957000 (Lakeside Athletic Park Plat Vol. 48 Pg. 4) located at 420 & 511 E. Sixth Street.

Mrs. Dale explained that the Lakeside Association is looking to install a community pool and recreational wellness center, along with a supplemental accessory building that will service those uses as well as off street parking.

Mrs. Dale provided a comprehensive overview of this case, which included the number of years Lakeside has been planning, the extensive community outreach Lakeside had conducted, the creation of the "LBO" district in 2012 versus the "L" district and the options and obstacles Lakeside faced, before the various Township Boards.

Mrs. Dale shared that the Lakeside is aware they will have to go before the Board of Zoning Appeals for some variances for fencing and possibly parking. Mrs. Dale indicated that the first step was to establish the Zoning District in order for uses to be permitted.

Mrs. Dale stated that the Ottawa County Regional Planning Commission held a public hearing on September 20, 2016 and recommended approval of the proposed map amendment as presented.

Mrs. Dale also stated that the Zoning Commission held a public hearing on October 5, 2016 and recommended approval of the proposed map amendment as presented based on Decision Criteria "iii & iv" of Section 7.6.7.B of the Danbury Township Zoning Resolution; which states there has been a substantial change in area conditions, the necessitates the amendment and there is a legitimate need for land area in the Zoning District that will be expanded.

Mrs. Dale explained that a lot of what was presented at the prior hearings was the need for the recreational facility, not only from the communities wants, but also as a result of the algae bloom issues with Lake Erie.

Mr. Scott opened the floor for public comment.

John Berger said that he and his sister own a cottage at 643 Jasmine in Lakeside and acknowledged he had not been able to attend the meetings for the zoning changes. Mr. Berger said "We have concerns in the change in this property" and stated they are one of four properties that back up to this proposed project.

Mr. Berger expressed concern regarding noise, traffic, and parking associated with the proposed

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project and stated that in his opinion this is one of the last open green spaces left if Lakeside. With regard to the change, Mr. Berger commented that is it not like someone buying a house next to a freeway, and turning around and asking the ODOT to put up a sound barrier. Mr. Berger also commented they bought the house next to the freeway. They knew the freeway was there. Here we are making a proposed change to an area that didn't have a freeway it was an open quite space.

Mr. Berger briefly spoke about traffic concerns.

Kevin Sibbring, President of Lakeside Chautauqua addressed the concerns voiced by Mr. Berger.

Mr. Sibbring named several open spaces that remain in Lakeside that included Cherry Park with a complete block that has no structure on it.

Mr. Sibbring said that nowhere in Lakeside is there a guarantee of a noiseless area in the summer and stated probably the most vibrant area to date in and around the Rhien Center of south of South Auditorium on Sixth Street.

Mr. Sibbring shared that 10-12 locations were considered within Lakeside for the pool and met with pool experts which eliminated areas for various reasons. Mr. Sibbring indicated that is why they had the community driven process for this project, over the last two years ago, which continued in fall and winter months as well as during the summer months.

Mr. Sibbring commented about the summer of 2015 regarding the algae bloom issue in the lake. He spoke briefly about several types of transportation within Lakeside that included biking, golf carts, walking and the shuttle system.

Mr. Sibbring said they believed that they have listened to the community and the visitors of Lakeside.

Dan Dudley, CFO & COO of the Lakeside Association spoke about barrier buffers to contain noise, and the restricted pool use hours, which would probably be 6:00 pm. Mr. Dudley explained deck chairs will surround the pool and lighting will not be installed in the area.

Ms. Rozak and Mr. Dudley held discussion regarding the size of the pool, maximum capacity of the pool, plan activities, restricted hours in Lakeside, and that light refreshments of some sort may be, however the funds raised by the community did not support having a concession stand.

Mr. Berger stated that he was not opposed to the pool; he is concerned with where it is.

Mr. Scott responded to Mr. Berger and stated that he understands the idea of "Not in my backyard" and indicated that the Board had to look at what overall was best for the area as well as the community.

A brief discussion was held regarding how no formal opposition was voiced at the Zoning Commission hearings, the Ottawa County Regional Planning Commission hearing on September 20, 2016, and Mr. Sibbring shared he had not received any formal opposition either.

There being no further discussion of case ZC-2016-174, Mr. Hirt moved and Mr. Scott seconded the motion to approve the Map Amendment request as presented in Resolution No. 14-2016. The vote was unanimous and motion carried. Listed below is a copy of Resolution No. 14-2016 in its entirety.

**The Board of Trustees of Danbury Township, County of Ottawa, Ohio**, met in special session at 6:00 p.m., on October 25, 2016, 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

Mr. Hirt introduced the following resolution and moved its adoption:

**RESOLUTION NO. 14- 2016**  
**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 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**, Lakeside Association, Owner of property consisting of PIN# 0140462303931000 (Block 62, Lots 8-10), 0140462305940000 (Block 62, Lots 18-20), 0140462305969000 (Block 65, Lots 10-12) & 0140462305957000 (Lakeside Athletic Park Plat Vol. 48 Pg. 4) located at 420 & 511 E. Sixth Street, filed Case No. ZC-2016-174, an application for a Map Amendment to the Danbury Township Zoning Map from "L" Lakeside to "LBO" Lakeside Business Overlay for approximately 6.097 acres.

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**WHEREAS**, the Ottawa County Regional Planning Commission held a public hearing on September 20, 2016, and recommended approval of the proposed map amendment; and

**WHEREAS**, the Danbury Township Zoning Commission held a public hearing on October 5, 2016 and by motion and vote recommended approval of the proposed map amendment as presented, and

**WHEREAS**, on October 25, 2016 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 the Decision Criteria "iii & 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 3.1.6 ("LBO" Lakeside Business Overlay) 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.

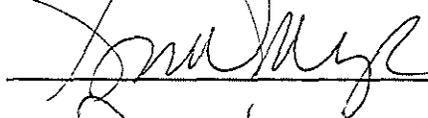
Mr. Scott seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows: Vote Record: Ms. Rozak-yes; Mr. Scott-yes Mr. Hirt-yes

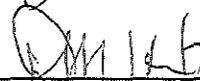
**ADOPTED** this 25<sup>th</sup> day of October, 2016.

There being no further business before the Board, Ms. Rozak moved and Mr. Hirt seconded the motion to adjourn at 6:47<sup>55</sup> p.m. The vote was unanimous and motion carried.

  
Fiscal Officer







Danbury Township Board of Trustees