

# RECORD OF PROCEEDINGS

Minutes of

## Danbury Township Zoning Commission

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

February 7,

20 18

The Danbury Township Zoning Commission was called to order at 6:36 p.m. at the Danbury Township Meeting Room by Chair, Jodi Kopanski. The pledge of allegiance was recited and the roll call showed the following present: Ms. Jodi Kopanski, Mr. Richard Kracer, Mr. Michael Brown, Mr. Robert Strauss and Alternate Jack McGrew. Mr. Vito Kaminskas was excused. Also present were Kathryn Dale, Zoning and Planning Administrator and Cheryl Harmsen, Zoning Assistant. Visitors present included Dan Dudley and John Englebeck.

### Approval of the January 3, 2018 Minutes

Mr. Brown made a motion to approve the minutes for the January 3, 2018 meeting. Mr. Kracer seconded the motion. All Ayes. The motion carried.

### Public Hearing

The Chair reviewed the procedures for the meeting and announced the application is for a Map Amendment. This Commission is a recommending body to the Board of Trustees. Staff will review what hearings have taken place regarding each application, but essentially this is the 2<sup>nd</sup> hearing of a 3-hearing process. Following our hearing this evening, our recommendations will be forwarded onto the Township Board of Trustees at their 2<sup>nd</sup> meeting in February. Upon receipt of our action, the Trustees will establish at that meeting when they will schedule a public hearing on this application. All notifications for these hearings are published in the Port Clinton News Herald 10 days prior to the hearing. Final action to approve or deny is made by the Board of Trustees.

The Chair asked Mrs. Harmsen to introduce the first case of the evening.

### Public Hearing

ZC-2018-003

9573 E. Harbor Road

**Request for a Map Amendment from "L" Lakeside to "C-2" General Commercial for PIN# 0140174204553000 (Sec. 1, Lot 10 Firelands Survey) consisting of approximately 0.715 total acres for the property located at 9573 E. Harbor Road. Dan Dudley, CFO & COO for Lakeside Association, Owner/Applicant.**

No members had conflict of interest or abstained. Mr. Brown shared that while he sits on the Municipal Services Committee for Lakeside, he provided minutes from when this application was discussed with that Committee, showing that he abstained from any decision or discussion.

Mr. Kracer made a motion to open the public hearing and Mr. Strauss seconded. All were in favor and the motion carried.

The Chair asked Ms. Dale the Zoning Administrator, to give the Commission an overview of this application. Ms. Dale shared that the owner is requesting to rezone approximately 0.715 acres of land from "L" Lakeside to "C-2" General Commercial. The property contains an 8,055s.f. maintenance office & storage building for Lakeside. The Association is looking to be able to better promote events in Lakeside and improve their visibility along SR 163/E. Harbor Road thru the more flexible signage regulations listed in the Danbury Zoning Resolution for commercial property vs. Lakeside zoned property. Should the application be approved and adopted, the existing structure will become nonconforming. The ability to expand, rebuild or redevelop the lot under the "C-2" zoning district will be difficult to meet the setback requirements unless variances are applied for and granted. Additionally, any parking requirements would also have to be met and would not be protected from a zero parking requirement like "LBO" zoning district offers, again, unless variances are applied for and granted. If the goal is really about signage, and should the application be denied, then Lakeside would likely need to pursue text amendments to the signage regulations for the "L" & "LBO" zoning districts as they relate to Lakeside Association-owned properties. The Danbury Township Land Use Plan makes no specific recommendations for Lakeside, other than to acknowledge that the "L" Lakeside land use designation encompasses all of the land within the Lakeside Subdivision Plat. This was in part because Lakeside is also in the process of adopting a Master Plan for the Chautauqua and the Township's plan simply supports that Plan thru its recently adopted Land Use Plan (Refer to Pg. 29 "Developing the Land Use Map"). According to Matrix 1. Character Area Descriptions, Lakeside is characterized by a well-defined boundary, pedestrian environment supported by a mix of uses, activities, parks, and public areas which includes single-family, two & multi-family, civic and neighborhood commercial uses. Ottawa County Regional Planning Commission (OCRPC) was

## RECORD OF PROCEEDINGS

Minutes of

Danbury Township Zoning Commission

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

February 7,

20 18

forwarded the proposed amendments on January 2, 2018 and held a hearing on January 16, 2018. Attached is OCRPC's decision letter recommending approval as presented.

Dan Dudley, CFO & COO of Lakeside, 236 Walnut, representing Lakeside Association. Eventually, Lakeside would like to work with the Township to create a Municipal District with a different set of rules that addresses what Lakeside has and the uses provided on Lakeside-owned and managed properties. Right now, our only options are the LBO and L district, which is a residential district. These residential rules as they apply to Lakeside properties that are used to serve the whole community has caused us some grief. Things like the shuffleboards aren't really addressed, a year or so it was the pool and wellness center. Recreational uses just aren't listed in the "L" residential uses. The problem with getting this done, is it is kind of tied-up in our Master Planning process. It will take us at least a year or more to be ready to start addressing a new zoning district, so in the interim, we wanted to make this application as the first step to accomplish some things until we can come up with a solution long-term.

Mr. Dudley stated they are here now asking for this is because they got to a point last year where they realized the presence and visibility along SR 163 is lacking. They are trying to really let people know what events are happening inside Lakeside. They want to make Lakeside more part of the community and let people who even live here year round that they can come in and use the facilities and attend the programs. She reviewed how they came to the zoning office last year looking for ways to put signage up on the fence along SR 163, but because of the residential zoning, there are limits in the size and number of signs that are allowed compared to the options available in a commercial zoning district. Last year we worked with temporary signage as much as we legally could for the big entertainment events, but it meant putting signs up just before the event and taking them down right after so we didn't exceed the time allowed for the signs.

Mr. Dudley commented that the use of the property is already pretty much a commercial use with it being used for maintenance warehouse and offices. The change in the zoning designation will not change how the property is used or change what is happening around this property. Across the street is the Quarry, Lakeside Association owns all the land surrounding this parcel and there is a parking lot, the main entrance and parkland. We would like to put a permanent sign up on the maintenance building to help advertise events. There was some improvement with attendance at events last year, partially because of the pool opening, but also because we communicated more along here with what was happening inside the gates. Mr. Dudley said that new signage will not only let them inform the public about the events taking place but also of the Farmer's Market, but other things that can be used by the whole community.

Mr. Kracer asked them what is preventing them from putting a sign up now. Mr. Dudley responded the residential zoning district only allows a 12 sq.ft. sign. Mr. Kracer asked if this is a zoning rule or a Lakeside rule. Mr. Dudley said the Lakeside rules have been codified into the zoning regulations as much as possible and that sign requirement came from the Lakeside rules.

Mr. Strauss asked if it would be placed on the building. Mr. Dudley responded yes, at the top corner that currently has letters indicating this is the south entrance. They would replace these letters with a new wall sign.

Mr. Brown commented that this is the first step, but his concern is zoning a little bit here and little bit there and end up getting into spot zoning. Is Lakeside firm that when their Master Plan is complete that they will get the zoning addressed? Mr. Dudley affirmed that is the goal. Mr. Dudley shared it was asked of him at some point why Lakeside wasn't pursuing the parking lot at the same time as this application, but the parcel the parking lot sits on is much bigger and includes a lot of park area.

Mr. Kracer said that no matter what zoning designation they receive, or if it's left alone, they would likely need variances if they wanted to do anything with that building because of setbacks. Mr. Dudley said that was correct, but we're also not planning on doing any modifications to that building either. Mr. Brown pointed out that if the C-2 is approved, the setbacks increase substantially compared to the L residential requirements, so to a degree they are asking for something that will be more restrictive to them for the property.

Mr. Strauss asked what kind of signage they have in mind, if they would be continuing to use temporary signage on the building. Mr. Dudley said no, they are trying to get out of that situation. Their intentions are actually to put up a 4' x 6' digital/electronic sign that meets zoning requirements. This way they can say the date and what is happening that day. He said he envisions something similar to what was recently installed at Bassett's Market, only not as big and within the other limits zoning requires with the message changing. Mr. Dudley said it would only be visible coming from the west heading east due to how the building sits on the property.

Mr. Kracer asked about how much parking is provided on this property. Mr. Dudley said there are approximately 20 parking spaces around the building, but the public lot is further east. Parking on this property is primarily used for employees.

RECORD OF PROCEEDINGS  
Danbury Township Zoning Commission

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

February 7, 20 18

There was no one else present who wished to speak. Mr. Kracer made a motion to close the public comment segment of the hearing, seconded by Mr. Strauss. All were in favor and the motion carried.

The Commission deliberated and considered the 5 Decision Criteria for this request.

Mr. Kracer made a motion to Approve case ZC-2018-003, as presented herein and found that Decision Criteria "ii" and "iii" of Section 7.6.7.B. of the Danbury Zoning Resolution is satisfied, and furthermore that the benefits of said request outweighs any potential pitfalls presented this evening. Mr. Strauss seconded the motion.

The roll call vote was as follows: Mr. Brown – yes; Mr. Kracer – yes; Mr. Strauss – yes; Ms. Kopanski – yes. All in favor, the motion carried 4-0.

The Chair stated the Application has been recommended for APPROVAL. Ms. Dale will be in touch with the applicant of the date set for the final decision hearing before the Board of Trustees.

**Old Business**

There was none.

**New Business**

There was none.

**Other Business**

Ms. Dale shared that she did not have text amendments prepared, related to a tie-vote situation or term limits for the BZA because the BZA did not have a chance to really discuss the term limits at their January 17<sup>th</sup> meeting due to the late hour the hearings took. She told the Commission that they should expect a work session for their next meeting on March 7, 2018.

**Reports and Communications from Members and Staff**

Ms. Dale stated the Trustees have appointed Jack McGrew as alternate. Mr. McGrew's term is to expire at the end of this year. At that time he will be up for reappointment if he decides he wants to continue. Ms. Dale went on to say, Mr. McGrew has prior zoning experience in Lawrence Township and asked Mr. McGrew to give a background highlighting his related experience.

Ms. Dale swore in Jack McGrew as alternate member of the Zoning Commission.

**Public Comments Regarding Zoning Items Not on the Agenda.**

There was none.

**Adjournment**

The Chair asked for a motion to adjourn. Mr. Brown moved to adjourn the meeting and Mr. Kracer seconded the motion. All Ayes. The motion carried.

The meeting was adjourned at 7:05 p.m.

RECORDING SECRETARY

*Ms. Dale Kopanski*  
*Richard Kracer*  
*Mr. Brown*  
*Mr. Strauss*  
*Jack McGrew*  
ZONING COMMISSION

**RECORD OF PROCEEDINGS**  
**Danbury Township Zoning Commission**

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

**February 7,**

**20 18**

(Page Intentionally Left Blank)