

## Danbury Township Zoning Commission

June 5,

24

The Danbury Township Zoning Commission was called to order at 6:30p.m. at the Danbury Township Meeting Room by Chair, Susan Dress. The pledge of allegiance was recited. The roll call showed the following present: Ms. Susan Dress, Ms. Jodi Kopanski, Mr. Vito Kaminskas, Mr. Strauss, Ms. Barbara Singer, Alternates Mr. Tuttamore and Doug Huber. Ms. Kathryn Dale, Zoning and Planning Administrator, was also present. Visitors present included, James Davenport, Keith Brown, Dean Frederick, Debbie & Aaron Paul.

### Approval of the April 3, 2024, Minutes

The Chair asked if all the Commission Members had had an opportunity to review the minutes from the last meeting. All indicated they had. Mr. Dress asked if there were any corrections or modifications. Mr. Strauss made a motion to approve the minutes from the April 3, 2024, meeting. Ms. Kopanski seconded the motion. All Ayes. The motion carried.

### Public Hearing ZC-2024-112 0 & 1697 S. Danbury N. Road Brown Map Amendment

**Map Amendment from “A” Agricultural to “R-C” Recreational Commercial for Lot 20, Part of Section 4, PIN# 0141161115543000 consisting of 5.758ac. of the 8.003ac. parcel and “C-2” General Commercial to “R-C” Recreational Commercial for Lot 20, Part of Section 4, PIN# 0141160615537016 - 0141160615537025 consisting of 10.464ac. Total of 16.222ac. to be rezoned.**

The Chair asked if there was any member who would have a conflict and wished to abstain. Ms. Dale said the record will show that Ms. Singer is recusing herself because her nephew was an adjoining property owner and that Alternate, William Tuttamore would be seated. The Chair asked for a motion to open the public hearing. Ms. Kopanski made the motion; Mr. Kaminskas seconded the motion. 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 stated the applicant is working with two different property owners to purchase approximately 16.222ac. The southern part of the application request is owned by Mr. & Mrs. Hennig, located at 1697 S. Danbury N. Road. The applicant is proposing to purchase the rear (east) 5.758ac. of their 8.003ac. parcel and rezoning it from “A” Agricultural to “R-C” Recreational Commercial. This part of the Hennig property is currently vacant farmland and pasture. The Hennig’s home, barns and livestock are all on the western, front portion of the property and is currently zoned “C-2” General Commercial. This 2.242ac. will remain zoned “C-2” General Commercial and would be retained by the Hennig’s.

The second part of the application request, or northern area, involves purchasing 10 LCE lots platted in 2020 as a condominium and is referred to as the 269 Business Park. The applicant is proposing to rezone this area from “C-2” General Commercial to “R-C” Recreational Commercial. The total acreage of this area is technically over 10.464ac. because the 10 LCE lots total the 10.464ac., but the applicant will also be purchasing the land that is shown on the condominium plat as being dedicated for road right-of-way. Should any development take place, this plat will have to be amended to rework & partially vacate the cul-de-sac and road right-of-way. This property is currently all owned by Stowaway Jeannie, LLC/ James Davenport. Mr. Davenport owns two of the commercial storage unit buildings along this access road on LCE Lots 1, 2, along with LCE Lot 5, and a lot on the south side of the drive entrance off SR 269 into this development.

While both the “C-2” & “R-C” zoning districts are commercial zoning districts, the “R-C” zoning district has a 10’ smaller front-yard setback requirement, but a 10’ greater rear-yard setback than the “C-2” zoning district. Both zoning districts make provisions for greater setbacks when abutting residential properties. As far as uses are concerned, both zoning districts allow many of the same permitted uses, however the “R-C” zoning district does list more options for conditional uses that are geared toward “Recreational” type activity, which could include a facility similar to Monsoon Lagoon, campgrounds, resorts and marinas.

Ms. Dale provided a summary of the surrounding zoning districts & uses of property and shared that the Land Use Plan calls for a majority of the proposed rezoning area to be “Corridor Commercial” with an “Economic Development” & “Corridor Enhancement” overlay. The rear 2.8ac. (approximately 520’) of the Hennig property is listed for “Neighborhood 2: Medium Density Residential”. The boundaries to these classifications should not be viewed as a hard line stopping or starting point, but more as a generality that can cross property lines or extend further than depicted if it makes good planning sense.

“Corridor Commercial” areas are generally made up of non-residential uses (i.e. Commercial, Storage, Offices). The roadway is not pedestrian friendly due to the scale (i.e. width, lack of sidewalks, speed, setbacks, curb-cuts) of the street large parking lots and public utility poles create many conflicts

for pedestrians or bicyclists. Uses typically include civic, neighborhood commercial and large-scale commercial.

The “Economic Development” & “Corridor Enhancement” overlay’s intent was to encourage enhanced landscaping, signage and access to improve the local image at the gateways & Major thoroughfares into the Township and to develop new office or light industrial areas but also integrate commercial and residential uses. Development in these areas should be job producing. Development should share access as much as possible and be designed to establish a common architectural theme while respecting the rural nature of the area.

“Neighborhood 2: Medium Density Residential” areas are walkable within its parameters, streets are a little wider and lots are larger, not as compact, and less connected to other neighborhoods, but still some interconnectivity. Structures are separated more as well. Uses typically include single-family, two-family and multi-family dwellings. The Commission had been encouraged in the staff report to review pages 13 & 17 of the Land Use Plan regarding Existing Conditions of the Township as well as the Vision Statement which begins on page 22 of the plan.

Ottawa County Regional Planning Commission (OCRPC) was forwarded the proposed amendments on May 7, 2024, and held a hearing on May 21, 2024. Attached is OCRPC’s decision letter recommending **Approved as Presented**.

Ms. Dale concluded by reviewing the decision standards the Commission would be considering for the request. The Chair asked if there were any questions from the Commission for Ms. Dale.

Mr. Tuttamore asked that in reading the map, they want the agricultural land to be rezoned to the “R-C”, are there any other “R-C” properties that are like this property? Ms. Dale responded just across the street. Mr. Tuttamore clarified, but not abutting to it? Ms. Dale confirmed the same.

The Chair asked if there were any further questions for Ms. Dale. There was none. The Chair asked the applicant to come forward and provide their presentation.

**Keith Brown**, Agent, 5964 E. Bayshore Road, Marblehead, Ohio came forward. Keith Brown introduced himself and stated that he is a partner in the DB Development Group. He is requesting the zoning permit for James Davenport who owns the land currently. He will be with me on the new development. Thank you for allowing me the time to speak. Some background, I am from Sylvania, Ohio. I’m a real estate and business investor in Toledo. Jimmy and I have been in business for thirty (30) years in Maumee, Ohio. I bought a place recently on Bayshore Road four years ago. He invited me in to develop the Stowaway Jeannie land. So, that was last year. What he wanted me to build with him was boat storage. So, I did my research, and it looks like it’s a very vibrant market, even though you see them going up everywhere. Dean Frederick is our engineer for this project. So, with some analysis, we could build twenty-four (24) boat storage buildings, it’d be about nine thousand (9,000) square feet each, on that property. That’s about two hundred and ten thousand (210,000) square feet for boat storage units and it’s 170 individual units that we can build. So, then when we did pro forma, we talked to our bank, and we were like this is something that we are going to start moving forward on. Well, as we continue to look at it, we thought there might be a better development we can do here, if we would get the “R-C” zoning. One thing that bothered me in the beginning was when I drive around up here, and I see these big boat storage complexes, some of them right up the street. It’s very unattractive to me, and so we thought, well, maybe with a mixed-use development we can make this thing more attractive. We are allowed to do boat storage in “R-C” zoning, and we will do some, and it won’t be just for boats, but general storage. We will probably do four (4) or five (5) buildings instead of twenty-four (24). They will be off the street; they will not be right up against the street. They will be in the back of the property, mostly blocked by the stuff that we do near the retail or the front of the project. We think by adding the additional piece of the Hennig property, we can make this a better, more cohesive, architecturally pleasing project, as opposed to having what we currently have now. We have ten (10) one (1) acre lots. The stores that we do end up having, that are part of our plan, we believe that they could be used the people that are on the property itself. We also want to do some retail, up near the street, make it a mixed-use development. As I look up and down 269, there are a lot of storage yards and other things that are right on the street. We certainly won’t be doing that. We also will be able to, because of this extra land that we can get, we will have a better landscaping plan for the front and for the entire property. There are green space requirements for - some are large green space requirements in the “R-C” zoning.

I have met with neighbors, and we talked, and I’ve got support from almost, I believe, all of the neighbors. My goal is to get support from everybody. Because I think we are better to develop this type of use other than others for these types of uses. One of the reasons is that we will retain the trees and the bushes and the overgrowth, that’s there. So, the neighbors won’t see anything different. Even though as we look at the required setbacks, I’ve made promises that we will not just have a twenty (20) foot setback of landscaping, we will do as much as one hundred and twenty (120) feet of setback in that back tail. So, if we were to build residential, medium density residential, every developer I’ve ever seen do residential, clear cuts everything. They don’t keep anything, they have to recreate it, they have

## Danbury Township Zoning Commission

June 5,

24

to turn a lot over to a buyer that is clear of any vegetation. The neighbors would then be looking at play sets, trampolines, different sheds, but right now if we get the zoning, we will keep the tree line and we will add to it. There will be as much from the eastern border, where Aaron and Deb Paul live, I met with them, that instead of a twenty (20) foot setback of trees, we are going to do a minimum of one hundred and twenty (120) feet of trees and what's there now. I think that this is a good front door or gateway because we have Monsoon across the street, and I think it'll be a more cohesive entrance to Danbury Township. I think it's a very important property. I think that, again, it's one of the things that weighed on me when we first looked at this, Jimmy and I, last year, that it is very profitable to build twenty-four (24) boat storage buildings. Right off the expressway, there's a real shortage of them on the south side of this peninsula, and when we did the math, and our banker loves it, but what put the weight on me, is that we are going to put this very unattractive, you can't make those things attractive, and get twenty-four (24) of them, right at the front door of Danbury. So, I think what we are looking to do is what is best for the Township and best for the neighbors. Restaurants too, to be good neighbors.

Ms. Dress stated, I'm going to start with the questions. The only thing that concerns me is access to the property, to the development. Ms. Dale told me that you were going to retain an easement going through Stowaway Jeannie Storage? Mr. Brown said yes. Ms. Dress said, but you are looking to find a way to come in right in front of the property? Have you talked to ODOT and when they are going to put the roundabout in? Mr. Brown stated that he had had a conversation with the project manager a month and a half ago. He said that he thought it could work. My pitch to him was that this traffic - that maybe half of our traffic won't go through your roundabout because that would be a way for people that want to go to Bayshore Road or go to the south, don't have to go out on SR 269 and through the roundabout. ODOT is always about trying to reduce the traffic on their roadways, roundabouts, or off ramps. So, we think it's a great use that they would pay for. Things right now, they have that designed with a little termination right in front of Hennig's driveway. With a little driveway to build more, that's on Jeannie's property, just for accessibility. So we asked them to extend that, and it wasn't a formal ask yet, because what my conversation with them was to say, is this possible for us to present something to you? And I gave my reasoning, which I just shared, and so then Dean reached out to the different project manager groups.

**Dean Frederick**, Engineer on behalf of Agent, 4645 N. Summit Street, Toledo, Ohio 43611 stated that he reached out to Josh, he's actually the designer for the roundabout itself. And what we are talking about is the termination of S. Danbury N. Road as it goes north, where that termination occurs. At this point, the preliminary sketch that ODOT has provided to Keith, again, should turn around at Hennig's property. And all we are asking it to have that turnaround be moved up to, basically where the billboard sign is, understanding that the billboard sign is going to be removed, for it to allow that frontage road to then go across the various commercials, as well as service mixed-use development. With the "R-C" and when you get to this area, you have a commercial corridor set up, you have SR 269 both north and south here, but with that roundabout and the 269 interchange, there's a portion of frontage that from a commercial standpoint, isn't as vital as the commercial to the north or the commercial to the south where you get direct access to SR 269. You can't get access to the west side of 269 because that's all limited access adjacent to the Monsoon Lagoon, as well as the bay side. So, their only access is then off the secondary roads. Monsoon comes through opposite the access point for the business park. And we're asking from ODOT's standpoint, to slide that termination down to the billboard location to still allow access and frontage and turnaround, but also have a safety distance between there and the roundabout. The traffic's coming out of the roundabout, which is what we are talking about.

Ms. Dress asked, so will people have to go down Bayshore Road and turn around? Mr. Brown clarified, so you are asking if we are successful with ODOT? We will have two ways into our development. Mr. Frederick stated that what he thinks the Board Member is talking about is, that right now, if you wanted to get on Danbury Road, you come off SR269, kind of outside what I might call zigzag. There is still going to be an access point there. As far as when you come out of the roundabout, itself, there is still going to be an access point to get to this frontage road from SR 269. Mr. Brown stated that there will be probably three spokes off of the roundabout, one of them will be S. Danbury N. Road, this will be a little spur off of that S. Danbury N. Road. Mr. Frederick said that there is going to be three spokes coming off of it, like the one they just built. I think you guys were talking about it earlier, where it's two roundabouts, the first roundabout was basically for the interchange, itself. The second roundabout was for the main traffic to take the signal away. In essence, this is going to be a three spoke roundabout that as you come off the spokes, there's going to be two lane traffic at Monsoon Lagoon and at Jimmy's entrance drive, and going the opposite way there's going to be two lane traffic at Danbury Road, where it would come in, if you would want to come up this frontage road. Mr. Brown stated that he spoke with Ms. Dale about meeting with Trustees, or meeting with anybody to share this with. Ms. Dress stated that when you go to the Trustees, and the third meeting, it would probably be helpful if you had a sketch to show them. Mr. Brown stated that he could do that and that the zoning, as Ms. Dale addressed, is separate from this access issue. My idea is that I want to do it if the Township

## Danbury Township Zoning Commission

June 5,

24

sees it as a benefit and that I see to doing it. We keep some traffic off of SR 269, off that roundabout, and we believe it is better for the Township. I think the Township, if they were to analyze it, maybe there's a traffic person here that I should be talking to, but we'd like to take the support of the Township to ODOT and say the Township likes it too and can we get this done? We've had a positive experience with ODOT in the Toledo area. In fact, I have had one of my properties, in Maumee, taken for part of a roundabout. So, we've dealt with them, I'd say for twenty-two (22) years, and we know that everything moves slow sometimes. I think if you don't do it now, then it doesn't happen, or it's harder to. I think you have sixty (60) or ninety (90) days to get it done, the sooner the better. But they do like to please when it doesn't bother them or if it's something that makes sense. Mr. Frederick said that part of that schedule right now, in terms of ODOT, they are in stage 2 plat mode, there are two more stages to go, and they have to have the final drawings done by September, for a November bid for vetting next year. Mr. Brown stated that stage two is that they are really concerned about all of the (inaudible) of the roundabout itself. This is a little tertiary drive to that is, you know, as long as it doesn't bother them and it isn't too late in the game, I think they will do this for us. And as long as they like the safety aspect of it. The distance between the termination and the actual roundabout is getting a little closer. It's not obvious that they are going to say 'yes, we love it'. They might say, well, there's a little bit of an issue here. So, we might have to tweak the direction of that termination. But how that matters to us, is it just means that we might be able to, is if we have trouble getting a restaurant. We have spoken to about six (6) restaurants about locating there, IF we can get the termination changed. So, it's secondary to the zoning, so if we don't get that, that doesn't mean we still don't want the zoning.

Mr. Kaminskis stated that he has a couple of comments. When I talk to the citizens of Danbury Township, my neighbors, my friends that live in the area, there is really a major concern about the overdevelopment of Danbury Township. It's overwhelming. And no one comes up to me and says Vito, please give us another storage shed, give us another boat storage facility, give us another pole barn. So, people are saying 'what is happening to our community?'. Our community is one parcel at a time being moved into a boat storage facility. I look around, you can't drive a quarter mile without finding construction of a boat storage facility and you are in here wanting more. I have lots of concerns about the overdevelopment of Danbury Township, which used to be a very, very beautiful community and it is starting to slip into mostly commercial. And it's like I said, one parcel of land at a time. People asked me 'well, twenty (20) years ago, it was a beautiful place, and how did it get that way?'. It got that way one acre at a time. Farm now was moved to "R-C", it was moved to commercial and guess what? You have twenty (20) storage sheds on it. You got more boat storage facilities. I look around and I know it's not Danbury, but I see what they did to that golf course at Bay Point. Basically, double wide trailers in front of million-dollar homes. How's that happen? Somebody wanted to change one acre at a time and that's how it happens. That's never going to be beautiful. That's always going to look like shanty-town. Just wait for one of the first times something happens, and they have to go work on it, it's going to be a mess. That's just the way I see it. I hear what you are saying. I really don't have a lot of questions for you. I just had a statement about what my neighbors and the citizens of Danbury are telling me as a Zoning Board Member. How much more can we take?

Mr. Brown stated that one of the things that he would like to address, and he appreciates his comments, but obviously I'm in the development business. But I like smart development. I like well thought out, I like it when you have public, private partnership. Like here's what we are going to do and let's try to make this thing look good. So, I mentioned to Ms. Dale, I deal with overlay districts in the Toledo area, and frankly, I like them. There are sometimes some things you question, and they do tweak them. I mean, we just did an (inaudible) project, and the parking requirements are ridiculous.

Mr. Kaminskis stated, another example is just down at the end of this street. About a year ago, a development company came in and wanted to put in a trailer park with something like two hundred and seventy-five (275) units. What's that going to do to the traffic pattern in this area? Their response was, 'well, I don't know'. What's it going to do to the sewer line? 'Well, I don't know'. They didn't have the answer to any of this but 'it was going to be beautiful'. It was going to be setback two hundred and fifty (250) feet so nobody could see it. It's like everywhere, it's not just you. So, we have to be very careful of what we do for the development of Danbury Township, and that it's very, very, controlled.

Mr. Tuttamore said that one of his main concerns for this area is the traffic. We just had a woman die last week in what I call the pretzel. People don't know how to negotiate it and you're saying that, or that it is your understanding that they are going to take that pretzel out and they are going to put a roundabout in there? Mr. Brown said yes. Mr. Tuttamore asked about the timing of that and is your timing going to be ahead of their timing? Mr. Brown said the State's timing is the fall of 2025. So, a year from this fall. That's when they start construction. I think they will have it done by January or June? Mr. Frederick stated that if they start in the fall, it all depends on when they get the roadway and traffic pattern changed. Then they can build the roundabout and then they can pave it. They might have it constructed by the fall and not have it paved until the spring. I haven't seen the plans as far as how they're going to handle traffic during construction.

## Danbury Township Zoning Commission

June 5,

24

Mr. Tuttamore said that they are probably going to shut it down like they did SR 53. What I'm concerned about is what they did at SR 53 was a roundabout and just in the last week, there have been three (3) people that went through that second roundabout and then were going the wrong way on Route 2, because they turned them around on that on that turnabout. So, I mean they're not the end all be all either. I have a roundabout right up by me on Northshore Boulevard and we just had an accident this morning because the people coming out of Marblehead are not slowing down. They are blowing through the roundabout, and anybody that sticks their nose out of that thing is going to get creamed. In a place that could have been solved with a traffic light, they had to build a multimillion roundabout to do it. Mr. Brown commented that ODOT loves the roundabouts because they are all over the place. Mr. Tuttamore said, so, my concern is how is this going to impact traffic flow on this lot. The other concern I have is, that I just thought about this week, we had a similar request about a year ago, down here, right next to the Marblehead Bank, they wanted to rezone a bunch of "A" land to "R-C" and in that decision making, we voted against the rezoning of that, and the township just went ahead and did it anyway. Now this is very similar, but I think more - a more concerning rezoning simply because there is nothing that abuts this that is "R-C" right now. And number two, we have a situation where there's a different traffic pattern, that's going to be between the two. So that being said, I feel a little better that they are going to do the roundabout before you get really heavily into that project.

Mr. Brown said regarding no "R-C" abutting it, there is only so much "R-C" that this township probably wants to add. There's, you know, a cohesiveness that I think you have at Monsoon Lagoon. And I think what we will do will help them out, their business and it's right there. It might look better than having a "R-C" amusement park and then something like a storage building or something like that. But right across, caddy corner, right across the spider web, that's "R-C" also. As far as the back, I think another way to look at it, what we want to do green space wise, is that tail is two point eight (2.8) acres, we're going to do half of that in green space, and it's not just grass. I'm not talking just green grass that we will get to cover it. It will be a nature preserve type of space, green space, it already is. There will be nice trees and big shrubs, and I see shrubs in there that are fifteen (15) foot tall and fifteen (15) wide and we're going to add to it. So, based on the decision, I will talk to the neighbors about, but we could do walking paths in there. (Inaudible) mentioned a concern, and if we could just put up a fence and say that this is where the nature stops and now it's private property, and I said I would do that. As far as the people that live in Marblewood, their view won't change because of the code and that we are doing on the tail, I think that this doesn't happen that often. You know, it's maybe not this year or next year, but if the zoning doesn't change, what we can do with our plan, and the intended use there is medium density, which is greater density than Marblewood isn't Ms. Dale? Ms. Dale said medium density would be equivalent to Marblewood. Mr. Brown said okay, but that's probably what would happen and they wouldn't keep any of it natural, it would go to a full subdivision. Thank you.

Mr. Strauss said, just another question. You mentioned retail, potential, are those the lots that are 16, 15, 14, 12? Mr. Brown said yes. 16 & 15 is what we thinking that we have, one of our sketches has a retail commercial building, and that's what I've shown to first talk to the local restaurateurs, to see if someone wants to do a second or third location. Mr. Strauss said, and they would access that off of another road? Mr. Brown stated to make that viable, they would probably need that access off of S. Danbury N. and need ODOT's approval. So, but keep in mind, the restaurant that would go in there is about 3,000 square feet. If we don't get that access, we do have another lot at has main entrance to Stowaway Jennie or to the 269 Business Park. So, we could put them down there. But it's really just a small aspect of our overall development, other than the fact that it's a nice thing to have. We live on the weekends about a mile from this property, on Bayshore, and there are no restaurants in this vicinity. I own an empty commercial building that's next to Meter Road, I would love to put a coffee shop in there.

The Chair asked if there were any questions or concerns?

**Deb & Aaron Paul**, 5752 E. Bayshore Road, Marblehead, Ohio came forward. Mrs. Paul stated that we don't have a question but have a concern. Would now be the appropriate time to speak about it or not? The Chair said yes, it is.

Ms. Paul stated that they own the property just east of this property that he intends to request to rezone from agricultural. So, we don't necessarily, you know, we can't necessarily have any concerns with anything in red because it's commercial and that'll be what it will be. But we are concerned about the green area, being an agricultural area that is being rezoned. Our property, we have a home on 14.4 acres and we intend to leave that area agricultural. We are not building anything there and that's what we want. That's what we like, we like our privacy, we will like our farmland. We hunt out there, we having a shooting backstop right along that property line there. So, we're not for any development or

## Danbury Township Zoning Commission

June 5,

24

change from agricultural, whatever that means. We just want to say that, and yesterday, or two days ago, Mr. Brown came to our property and spoke extensively about creating this RV park. So, I was confused why that wasn't mentioned this evening. There are plans drawn up for that, which would, I think from what he said, would go in the area. And he did talk about the setback and the trees and all of that. But, you know, once it is rezoned, I don't know how, how firmly that can be held up to either. So, we're very skeptical about it and just wanted to come into the meeting and say that we would prefer that area to remain agricultural. The red part, don't care, it's on 269. We prefer it not to be boat storage, but it'll be what it'll be and the green, that part in the back, we would like it not to be changed.

Mr. Paul stated that what you said is spot on. I do own a pole barn on that area, that I did build, right in that area, in 2018. I don't mean to be a hypocrite, but I'm exactly with what you said (referring to Mr. Kaminskas). If you own an acre in Danbury Township, it does become a boat storage, they are popping up left and right. What Jimmy does with his property, is you know I get it, but anything that goes in that is anything but agricultural, and butts up against our property, is going to be a conflict of our hobbies, right? It's going to be a conflict of what we pretty much purchased that land for, right? And I do want to know, did I miss something in regard to the RV? Was that brought up?

Mr. Brown stated that is one of the things that we are analyzing, is putting an RV park in, the "R-C" zoning allows that and also other uses, but it is certainly one that we looked at. I did show them (referring to the Paul's) that plan, it was one of our drawings. Mrs. Paul stated that they just wondered why that wasn't brought up today. Mr. Brown said that if they want to ask questions about that, then they can talk about it.

Mr. Paul stated that that will impact Danbury Township, I feel. Because you are going to have that access right to your property (referring to Mr. Davenport), right, and they can have access to it. I deem that a viable (inaudible). You're going to have, how many slips? How many slips were you talking about on that RV park? Mr. Brown stated that we could build with the acreage, we could probably build upwards of 90. But, I think I told you that we are going to go as much as 20% less. Plus, then there's the green space. Mr. Paul stated, ok, the amount of patrons that are going to coming off 269, and then coming down, Jimmy's access, I feel is going to be substantial.

Mr. Davenport said not as much as storage boats. Mr. Paul stated, I would disagree. It would be a little offset on (inaudible), right? I mean, how much traffic are going to get to that boat facility during the summer months, right? Mr. Davenport commented, but it was mostly inaudible. Believe he indicated as many as 200 boats could be stored on the property.

Mrs. Paul stated that no, with RV's you have car traffic in and out constantly of a RV park. When you have boat storage, you've got a boat coming into storage and you've got a boat going out. So, with the RV park, you've got traffic all the time. So, that's not accurate. I mean, I'm not here to be a bad neighbor, right? I don't want it to go that way at all. I understand the commercial. We just wanted to state that we are not keen on the change from Agricultural. We may not have any say and that's absolutely fine, we just wanted to give you our standpoint on that. And I was confused about the lack of conversation about the RV park here when that was the main discussion with us. I just want honesty when it comes to that, I guess.

Mr. Kaminskas asked Mrs. Paul, is your property on this map we received? Mr. Paul approached the table and showed Mr. Kaminskas where their house is on the map. He said this is our house and this our barn. This is Bayshore. So, this is five hundred and fifty (550) feet north of Bayshore Road and this is the Hennig property. Mr. Kaminskas confirmed that's fourteen point four acres (14.4) acres. Mr. Paul said yes, so, we go all the way back to there. We own all of that. This is the Henning residence right here. We appreciate you listening to us, thank you. And I do agree with what you said, and I am glad that you brought that up. Thank you.

Mr. Brown asked the Chair if he could address a couple of things? The Chair stated that he could as the session was not closed.

Mr. Brown stated that he did talk about the RV, it was on one of the drawings he shared with them. Mr. Paul asked if Mr. Brown could show that drawing? Ms. Dale explained that this Commission is not deciding about that drawing this evening, it would not be the proper meeting. Mr. Brown stated that this is why he didn't bring it up, because...Ms. Dale explained that this meeting would not be determining whether this property could be used for an RV park or not. It's just to discuss the establishment of the zoning district. So, in every zoning district, no matter what zoning district it is, you have a list of permitted uses and conditional uses. If this zoning district gets established, then as a conditional use, that is where an RV park is listed for the "R-C" Zoning District. It's not just automatic by-right permitted use in that zoning district. It's a conditional use, which requires another hearing before a different board. So, this board right now, really the basic question before them is whether or not this property, that's being proposed to be rezoned, would be appropriate for "R-C" zoning. They have to take into consideration not only what our Land Use plan says, but considering what all is allowed, or potentially allowed, as a conditional use in that zoning district. But to show a design at this phase is not appropriate for this Board. They're (Mr. Brown) free to analyze and explore lots of

## Danbury Township Zoning Commission

June 5,

24

different things for the property they're looking at, because, even if they show it, they are not bound to it, by this Board.

Mr. Brown stated, I showed it to you, and I always like to do that when I am working on a project, to allow the neighbors to see it and to voice their comments to me. But we are glad to work with you and if we do get the zoning, to try and make this...Whether we use it for that or not, I don't know, I still like the idea of having a lot of green space. I think it's better for the community. Not just for you, but you have a bunch of neighbors that look across your property and see the trees and everything. So, we think that is better than if we bought it and didn't zone that back part and then later on came back for a zoning of medium density residential. I think it would be hard to say no, we have to keep it agricultural. So, I think it is better for you guys if it's an acre and a half of trees as opposed to having, how many houses could we fit back there? Mr. Frederick said that they could probably have about 7 or 8, depending on the size of the medium density.

The Chair asked if any member of the Board had any additional questions for Mr. Brown or the Paul's. Ms. Singer asked if it would be helpful for her to read out what is allowable in the "R-C", just as a reminder? Ms. Dale said no, members were provided the matrix of uses in their packets.

Mr. Brown stated that I did hear them say that they really don't want to see boat storage. And that's what we started with, with this project. We think that this is just a smarter, nicer, better development for the community than boat storage. We don't have to ask permission for those, we could just submit building plans and go forward with them. But, I don't think that is the best thing for this property.

Mr. Tuttamore asked, that in your vision, you mentioned about a restaurant of sorts. Are you envisioning a mom & pop type restaurant, or are you looking at a highly commercial restaurant, like McDonald's?

Mr. Brown stated that no national chain would be interested in that property. But that's not even what I am thinking about. I could list ten (10) restaurants around here that we all know that I just walked in and talked to the owners and if you asked them, they'd probably say that they've met me. It may be a little early and I told them it might be a year-and-a-half, but the reason I did it is that I wanted to test my thought that it is a good spot to put a restaurant, if we have that Danbury Road access. I think that a restaurant at the south end of the property can be a very good thing. It actually would cut down on traffic because people wouldn't be going all the way across the peninsula to where all the restaurants are, maybe going closer to where their house is, where they live. But again, we will make it nice. If we do 24 (twenty-four) boat storage, it will be as good looking any other that you see out there.

The Chair asked if any other Commission Members had any questions. There were none. There was no one else present to speak.

The Chair asked for a motion to close the public comment section of this hearing. Ms. Kopanski made the motion; Mr. Strauss seconded the motion. All were in favor and the motion carried.

The Commission deliberated the decision standards for a Map Amendment.

Ms. Kopanski commented that 'b' seems to fit the closest. Mr. Tuttamore said he would debate that for the fact that there is no other "R-C" in that area and we had the same problem down the road. If nothing else, we need to be consistent. Ms. Dress pointed out that there is "R-C" in the area. Mr. Tuttamore said but that is across the road. Ms. Kopanski said there is "C-2" in the area and abutting and while there are differences, there are a lot of similarities.

Mr. Kaminskas said, if you run through the four criteria, it's not 'a' because there is not an error in the map. 'b' is a logical option. You could make a case to say 'c' is satisfied and there has been a substantial change in the area. The last one, 'd' that there is a legitimate need for this additional land use probably is not the case here. So, I think 'b' or 'c' or a combination of both.

Mr. Tuttamore commented that he doesn't think the land use plan ever wanted a development that would cause additional traffic in a highly accidental area. Ms. Kopanski said the latest plan calls for this area to be commercial. Commercial is going to have traffic, it's just how it works. Does the area need changes in the traffic patterns and for whatever goes there? Yes. Mr. Kaminskas said that is probably true, but the issue is there is commercial property backed up by agricultural property, and then we always get the case where "I'll just change my agricultural to "R-C", and then it's one more change after another and all of a sudden you run into a neighbor that says, "I don't like it". So, it just creeps along like that. That's kind of where we are. The decision is always a decision we have to make. We're debating the criteria here and I could go with 'b' or 'c', it really doesn't matter. Ms. Kopanski said, picking a criterion doesn't mean a yes or no vote. Mr. Kaminskas said that is correct. Ms. Dale agreed, ultimately a motion has to be made in one direction or another and then voted on.

Mr. Tuttamore said he thinks an argument could be made that if we do get a roundabout vs. the pretzel, that could be a substantial change in the area that could allow for some changes and it could be a 'yes', because right now, I find it difficult to recommend any changes the way this is now and how

## Danbury Township Zoning Commission

June 5,

24

dangerous the road is out there. But with the understanding that a roundabout is going to be built, I could see some leeway in that.

The Chair asked if anyone would like to make a motion.

Mr. Kaminskas made a motion to approve case ZC-2024-112, as presented herein, finding that decision criteria ‘b’ and ‘c’ of Section 7.7.3.E. ii. of the Danbury Zoning Resolution as being satisfied. Ms. Kopanski seconded the motion.

The roll call vote was as follows: Mr. Tuttamore – No; Mr. Kaminskas – No; Mr. Strauss - No; Ms. Kopanski - Yes; Ms. Dress – Yes; The motion failed 3-2. The Chair stated the Application has been recommended for **DENIAL**. Ms. Dale will be in touch with the applicant of the date set for the final hearing before the Board of Trustees.

### Unfinished Business

There was none.

### New Business

There was none.

### Other Business

Mr. Tuttamore shared he received a notification in the mail regarding a BZA case for Danbury Local Schools and asked what it was for. Ms. Dale explained that the school would like to install a 2<sup>nd</sup> electronic message center sign, which will be the 3<sup>rd</sup> ground sign on the property. Mr. Tuttamore asked if this would be out near the main roadway or along E. Harbor Road. Ms. Dale said no, they are proposing to install it closer to the new Wellness Center.

### Reports and Communications from Members and Staff

#### Update on Miami University Storage Study Progress:

Ms. Dale shared that she doesn’t really have anything new for them because she is anticipating a report anytime and for sure by the end of the month. Ms. Dress asked if they were also conducting an inventory of what we have. Ms. Dale confirmed that they were.

#### Discussion on Hotel/Motel Regulations:

Ms. Dale shared that in May some residents attended the Board of Trustees meeting expressing concerns of a residential home that received a zoning permit and Ottawa County Building Department Certificate of Occupancy for a transient hotel/motel. The property is a residential home that is located in the “R-C” Recreational Commercial zoning district, where hotel/motel’s are permitted, provided there are 6 sleeping rooms available. The property in question had 4 bedrooms in the house and sleeping porch that could be reworked to include 2 more sleeping rooms. The property owner was not able to receive an official hotel/motel license to operate from the State of Ohio Fire Marshal’s office because the 6<sup>th</sup> sleeping room did not physically exist at the time the inspectors came through the structure. However, because it met the definition for a hotel/motel according to zoning, they received a “Change of Use” certificate and are now essentially renting short-term. Ms. Dale reminded the Commission a few years ago that this was exactly the reason why the Township rezoned over 700 residential properties and took them out of a commercial zoning district. However, this particular neighborhood was not included in that change for various reasons.

Ms. Dale explained that one of the residents that came to the Board of Trustees wanted a registration and penalty system put into place for short-term rentals. Ms. Dale said that after a discussion with Trustee Rozak, who is the Trustee that oversees the Zoning Department, it was decided that, that suggestion would not be the best route to take because it would likely make people think short-term rentals of dwellings is allowed, which it is not. Ultimately, it was decided that the best route to take would be to ‘beef’ up the hotel/motel requirements.

Ms. Dale distributed and reviewed with the Commission her 1<sup>st</sup> rough draft of potential language. She said she likes to do this, so they have something to review and not have to start from scratch in a work session. Ms. Dale said the language she is proposing would make a requirement that any residential structure to be converted into a hotel/motel structure would be required to obtain a hotel/motel license 1<sup>st</sup> from the State of Ohio before releasing a zoning permit. This would help eliminate any conflicts in language and interpretation. Ms. Dale said she did not list anything related to use of property, such as hours, noise or fire pits because that is not something that traditional hotels/motels are regulated on, and she doesn’t want to treat a residential conversion any differently because if they meet the requirements for a conversion to a commercial use, they need to be treated the same. She said she does not expect any action on this anymore tonight but wants them to discuss this more at the next meeting.

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

There was none.



**Danbury Township Zoning Commission**

**June 5,**

**24**

**Adjournment**

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

The meeting was adjourned at 8:15p.m.

  
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ZONING COMMISSION

**Danbury Township Zoning Commission**

**June 5,**

**24**

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