

LITCHFIELD TOWNSHIP ZONING COMMISSION

APRIL 15, 2015

Members Present: Borling, Chung, Wargo, Norris, Martin

Borling began the meeting at 6:30pm with the Pledge of Allegiance.

Borling said that Joe and Mike are unable to attend tonight so Roy is seated for Mike and Gayle is seated for Joe.

Borling asked for additions or corrections to the March meeting minutes; with none Borling, as the board Chair moved to approve the minutes as written.

Borling asked Fozio is any correspondence was received for the board of which there was none.

Borling stated the board is still on their timeframe of what he had mentioned last meeting; the goal was to have the text amendments received prior to the first Friday of May or the first Friday of June. Depending on how far the board gets tonight on Article III; Uses-the board needs to make sure everything is covered. If the board can get through this there may not be a need to have a second meeting for the month; the Planning Commission could take 30-60 days for them to review and then we need to review their comments and make final changes to go to the trustees. He moved to Article III; he said that he and Eric spent a lot of time going through it to make it more user friendly and understandable as far as setbacks and side yards; he said that it is up to board members to go thru it and make sure it is understood; if there is a problem that someone does not understand then the board can bring it up. He said Uses are going to be a priority. Wargo asked about reviewing the Conditional Zoning Certificate and he asked if it would be beneficial to try and tweak those things as part of this process even if it means spending an extra month prior to getting stuff to Planning, Prosecutor and the Trustees so that we can plug some of these holes now; he brought up Section 602; he said the major thing he wants to bring up...would there be a benefit...since the Zoning Commission regularly reviews Site Plans for Commercial Venues...would there be a benefit to changing things in 602 so that the BZA goes through the Conditional Use portion of it but if there is a Site Plan review needed then it comes back to this board instead of it all being part of the Conditional Use process. Mitch said he does not have a problem with that but the BZA does not do a lot of Site Plan reviews and the Zoning Commission has a lot more influence and practice at it than the BZA does; he agrees with the statement but the BZA is quazi-judicial so they would have to change other language in the section for it to come back to the commission. Wargo said he would like Eric's thoughts on it; Eric said he sees a problem with it; the Board of Zoning Appeals has the authority to hear Conditional Use Site Plan reviews because the Ohio Legislature grants it to them under the Ohio Revised Code so he does not think you can surpass the ORC with a Zoning Resolution-changing that authority to the Zoning Commission; he said he does not have the code section with him but the jist of it is the BZA is the only one that is authorized the hear Conditional Uses because they are the only ones that can put certain conditions on it which are not necessarily in the zoning resolution depending on the property. Wargo said that is what he is

saying....they would still hear the Conditional Use portion of it but if they grant a.....Eric asked if anyone had a copy of the ORC and suggested that be looked at first. Wargo thought that one board doing all the Site Plan reviews and he wondered if there was a history for why it is set up the way it is. Eric said because that is the way the ORC says it is supposed to be; he understands the Zoning Commission may be better at doing it but they do not have the authority to hear the Conditional Uses. Discussion was had among board members and audience members about permitted Conditional Uses and non-permitted Conditional Uses and who should review the Site Plan and who is allowed to. Borling said that if this body approved the Site Plan...that would necessitate the applicant showing up before us...he would have to answer questions with that Site Plan that may not be accurately be reflected in the minutes or the conversation for when they go before the BZA with our finished approval for the Site Plan...he then has to go to that board and convey other things to it that he may have thought he addressed with the Zoning Commission so our minutes and our documentation has to be linked.....Wargo said there would have to be a link...if the BZA were to approve the Conditional Use then there would be the need for the Site Plan review but if they turned it down there would be no need for it. Mitch thought maybe the BZA needs to change their policy that they want the Zoning Commission to unofficially look at the Site Plan and then take that comment into deliberations to understand the Site Plan. Discussion continued about the BZA and Zoning Commission doing Site Plans and the process and following Zoning Commission recommendations regarding driveways as example being ingress and egress; Wargo said if the Blueberry Farm Conditional Use would have been approved then the BZA would have moved to the Site Plan review of which all 5 members have never done. Borling read Section 602.04.3; Distribution of Application. Mitch referenced and read Section 604.04.3 and 604.04.4 out loud. Discussion continued regarding this topic. Borling said that the board needs to move on to their agenda but the BZA Chairperson needs to go thru this with their board and there is no reason they cannot have regular meetings and this board has regular meetings for a reason and other BZA member should attend this meeting. Discussion continued.

Roy updated the board that he is continuing to work on the wind energy turbine section and he will report out when he has further thoughts on how the text should be reworded. He asked for the resolution in a word document and Borling said he will send it to him. Gayle said that Litchfield is so windy that a gentleman she knows feels it would be a great location. Roy said the township has no control of anything more than 5 megawatts but that can power up to 1,000 homes. Borling said that anyone who wants to participate in a work group would be appreciated.

Borling started discussion with Article III; he said there are a number of parcels to look at as far as what uses can be on it. He went over the Residential and Rear Parcel as written; the Circle District and Commercial District with road frontage and Industrial District with road frontage; and mixed districts. He said those mixed parcels will come up from time to time; he said when the board gets to Section 310 the board can work through it. Borling moved to page 2 and pointed out Section 303.03; it was a recommendation by the Planning Commission; if a use is not listed then put in language that allows the applicant can propose it is similar to something that is already listed as permitted or conditional; he referenced Section 303.03.1 and read it out loud; this is for something that is not specifically listed but the applicant would try and say they have a similar use. Wargo asked if the board is opening up a can of

worms that they do not want to open up; the applicant can basically try and build a case for anything that he thinks can fit into 'as similar to xyz.....' are we better off saying we have 5 possibilities and if they do not perfectly match up the applicant is out of luck. Borling said that is the other side and what we have now. There was discussion among board members and audience about the con's of the proposed language. Borling said it is open for discussion, modification and striking; the board can certainly take the approach with an applicant that it is not there and you cannot do it and their next step would be a request for a variance. Discussion continued. Borling moved to Residential District/road frontage parcel; he read the permitted uses out loud. Borling asked if there is anything else the board should have in there; Wargo and Eric said temporary mobile home which can be used for up to a year as a residence. Borling moved to Conditionally Permitted and read the section out loud. Discussion was had with Eric and the board about a use being turned into another use such as an assisted living facility turning into something else. Borling said this was discussed last meeting and told Eric to refer to the binder that he handed out and reference Article II Section 210. Roy asked about cell towers and Borling said the board has no impact on that other than screening and setbacks; they are going to build it based on FCC regulations etc. Roy suggested that they remain on the list that keeps them with the zoning commission; Eric agreed they are Conditional Use. As discussion continued about what may be heard by the Zoning Commission and the BZA Wargo reiterated that there needs to be a better coordination between their group and our group. Trustee Horvath arrived at the meeting and was asked by Wargo if there could somehow be better interaction between the BZA and the Zoning Commission and the Site Plan Review since the Zoning Commission regularly goes thru a review for Commercial Venues maybe they should have more input as to the Site Plan Review that would be a Conditional Use in a residential area. Horvath said the BZA is allowed to ask for the Zoning Commission's input on that so if they would have sent a formal request to the commission they would have been able to give the BZA their opinion on that. Wargo said he thinks it should be more stringent that it has to be....Horvath said that would have to go to the board and they might have appreciated that at the last BZA meeting....the trustees cannot force them to do it....if it was put in the Zoning Resolution it could be done....Wargo said that Section 602 should change the flow pattern.Eric has been looking in the ORC. Eric said the ORC read portions of the ORC regarding the topic. Discussion continued to include pros and cons of why the Zoning Commission should/should not review Conditional Use Site Plans. Horvath said he will ask the Prosecutors office if that is allowed. Borling said they will have to table the discussion because there is a whole myriad of things that have to happen to include neighbor notices and legal notices; Borling said there is already a process built into the Resolution. Discussion continued again and Borling repeated that it is already built into the Resolution but it is just not being utilized. Discussion continued and Borling interrupted and asked for the BZA to work out BZA issues on BZA time.

Borling moved back to conditionally permitted; at a recent training the presenter suggested to find conditional uses that may not be an impact. Gayle asked if this wording is etched in stone-Borling said it is not. Discussion was had among board members regarding adult day cares, senior housing, churches, cemeteries or golf courses in the residential district and if the board wants to allow those types of uses as either conditional or permitted. Borling said it is up to this board to launder the resolution and there are certain things in residential that we may not want to be there. Gayle said that her interpretation is that residential should stay residential yet the language says it is residential *but* we can do

conditional.....do we want to do conditional or do we want to do residential...this is where the whole can of worms comes from. Borling said he will take any comments as to what the board wants to stay or not stay. Nancy said the board needs to take into consideration the Comprehensive Plan; at that time what do the residents want; she thinks that is a big thing. Discussion ensued about the types of growth that Litchfield has seen and how to zone for the majority of the people based on the survey. Borling said that the board, through the use of zoning, we make the township attractive for people to move here. Borling asked the board if they are open to another meeting since a lot of things still need to be considered. Discussion continued about residential remaining residential and commercial being for commercial. Borling asked board members to think about how they would like to see the resolution.

The board made the decision to have a second meeting for the month to be scheduled on April 28th at 6:30pm.

Chairperson Borling moved to adjourn the meeting at 8:40pm; approved by all.

Chairperson Borling

Vice-Chairperson Wargo

Meeting minutes are not verbatim. Once meeting minutes have been approved they are considered the official meeting minutes for future use.

Litchfield Township Zoning Commission regularly scheduled meetings are the second Tuesday of every month at the town hall starting at 6:30pm.