

Granville Township Zoning Commission

January 5, 2015

Public Meeting

Minutes

Present: Commissioners Vince Paumier, and Judy Preston, and Chairman Rob Schaadt, and Recording Secretary Betsey Hampton

Absent: Steve Brown

Guests: John and Anne Reese, Black Radish Creamery
Susan Walker, 79 Glyn Carin Lane, Granville, Ohio

I. Chairman Schaadt opened the meeting at 7:00 p.m., followed by roll call.

II. Swearing in/ Affirming of Public:

It was not necessary to swear in the public.

III. Approval of December 29, 2015, meeting minutes:

Commissioner Preston reported there was an error and the words, “and hours of operation” was repeated on the bottom of page 3 of the December 29, 2015, minutes.

Commissioner Preston made a motion to approve the December 29, 2015, minutes as amended. Chairman Schaadt seconded the motion and the minutes were approved as amended.

IV. Public Comments:

There were no public comments.

V. Announcements of Chairman:

Chairman Schaadt reported he met with Brad Mercer, Licking County Planning Commission and with Assistant Prosecuting Attorney (APA) Lecklider concerning the proposed text amendment concerning artisan businesses.

Chairman Schaadt reported he spoke to Travis Binckley concerning some issues.

VI. Announcements of Commission Members:

There was a discussion concerning the alternate for the Zoning Commission, Tara Parsley, and whether she has been updated concerning any of the issues currently before the Zoning Commission in case she is needed for a public hearing. Commissioner Paumier suggested Ms. Parsley be contacted and asked if she would like to be sent copies of the Zoning Commission e-mails until a permanent Zoning Commissioner is appointed. It was reported Trustee Schott was going to contact Ms. Parsley and advise she may be called up to some Zoning Commission meetings. Chairman Schaadt reported the January 14, 2015, Trustees’ agenda includes the appointment of a new Zoning Commissioner.

VII. Old Business:

Continued Discussion Relating to Text Amendment:

Chairman Schaadt reported he learned in the previous week the Zoning Commission needs to make a formal application to the Licking County Planning Commission (LCPC) and he presented a form with items on which application will be based. Chairman Schaadt reported LCPC wants the changes highlighted, etc. There was further discussion concerning the form and how the text amendment application will be presented to the LCPC.

Chairman Schaadt showed the Commissioners what he presented and reported he received a response from APA Lecklider. Chairman Schaadt reported APA Lecklider suggested the Commissioners may wish to consider language approving the definition of artisan business which would restrict potential sizes and uses. There was further discussion concerning APA Lecklider's comments and suggestions.

Chairman Schaadt reported the Zoning Commission previously discussed limiting the size of the artisan business and previous advise was given the Commission should not include size limits. Commissioner Preston commented, if included, size limitation would need to be included in the definition. Commissioner Preston stated the proposed text amendment states, "small quantities" but does not say anything about the size of the building or operation. Commissioner Preston discussed what size is required depends on what is being made.

Chairman Schaadt stated limiting size would also keep closer to artisan business rather than a typical business which belongs in a business district and does not belong under an artisan business. There was discussion concerning an area under General Business in the Granville Township Zoning Resolution. Chairman Schaadt reported Section 910 General Business District (GB) states, "Each structure shall have a minimum area of 1,200 square feet but not exceed 10,000 square feet of usable floor space, exclusive of porches, garages, and cellars or basements. All structures must also be on a permanent foundation." There was further discussion concerning this section and it was discussed there is not a maximum building size under the Agricultural use section. As long as the building is used for agriculture it may be as big as wanted.

Commissioner Paumier referenced and discussed an e-mail sent by ~~APA Lecklider~~ Brad Mercer which used a tannery business as an example. Commissioner Paumier stated there is no way everything may be included in a definition and at some point in time something must be left to the Board of Zoning Appeals. Commissioner Paumier discussed amendments may also be added to the Zoning Resolution at a later time. There was discussion whether something should be added to differentiate manufacturing space and storage space. Various scenarios were proposed and discussed.

Chairman Schaadt reported APA Lecklider advised the square footage requirement would deal with the primary structure. Other agricultural buildings on the property would not be affected by the artisan business size requirements.

Commissioner Preston questioned if the definition could include the business can only be in a single structure rather than in four small buildings. Commissioner Preston discussed in the proposed

change to Section 523 concerning hours of operation, something could be added stating the building size must be compatible. There was further discussion concerning this suggestion and possible scenarios.

There was discussion concerning the current language of Section 524, item 2, which states “Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.” Commissioner Paumier suggested the Zoning Commission may not have given APA Lecklider Brad Mercer enough time to review the proposed text amendment and commented he does not want micromanagement.

Chairman Schaadt commented the suggestions given do not prevent the Commissioners from passing a resolution and forwarding a text amendment proposal to the LCPC. Chairman Schaadt discussed the LCPC’s deadline of January 12, 2015, to be on the January 26, 2015 agenda. Chairman Schaadt commented LCPC will have a board meeting and advise the Granville Township Zoning Commission. This must be done prior to the Zoning Commission’s Public Hearing. ~~Input from the Township will be received at the Public Hearing. Chairman Schaadt stated if the Commission votes tonight, it has 40 days to accept the text amendment, accept it with conditions, or reject the text amendment. Chairman Schaadt stated the Zoning Commission could wait and see what the LCPC suggests regarding use and size and may amend the proposed text amendment at that time.~~ We will have this information before we moved forward with any recommendations.

Chairman Schaadt reported Brad Mercer, LCPC, commented the Zoning Commission’s definition of artisan business is very generic and broad and provided an example of a tannery business. Mr. Mercer commented there may be things not being considered in an attempt to make regulation for a known business which is wanted by the Township. Mr. Mercer requested the Zoning Commission mind there are other businesses within the definition where the Township may want to consider prohibiting or limiting uses. Mr. Mercer also referenced the portion of the proposed text amendment which only allowed small quantities to be produced and questioned what defined “small quantities.” Mr. Mercer suggested consideration of size limits for the operation such as structure size, personnel number, production, etc. Chairman Schaadt commented this was the direction the Zoning Commission was headed earlier in the process but it was advised by APA Lecklider not to make an amendment which would be too hard to enforce, or too specific to any one business. Commissioner Preston commented concerns such as noise, odor, etc. are addressed in the Zoning Resolution and stated she is not concerned a tannery business will be allowed into the Township.

Chairman Schaadt stated language concerning specific hours of operation was added at APA Lecklider’s suggestion to give the BZA a reason to have a conversation about hours of operation with the proposed business.

Commissioner Paumier discussed language included in Section 910, General Business District, under Building Square Footage, and under Minimum Building Square Footage. Commissioner Paumier questioned who gave the advice against being specific. Chairman Schaadt reported former Chairman Blanchard was given advice against being too specific by APA Lecklider after the first work session concerning artisan businesses. The Zoning Commission then made the language more

broad. Chairman Schaadt reported he and former Chairman Blanchard met with APA Lecklider a few weeks ago and were then advised to tighten up the proposed text amendment. Chairman Schaadt stated he thought that was done when the proposed text amendment was submitted for review. Chairman Schaadt stated it appears APA Lecklider does not seem to have a problem with the proposed text amendment except the exclusion of building size. He did comment that we may want to think about restricting some potential uses, However “Restricting actual business products may prove difficult”. Commissioner Preston commented Section 523, item 8, requires a “plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, etc.” Commissioner Preston stated it does not limit the size of the buildings, but if someone is going to build a building under conditional use they will need to present the plan with the size of the building. Commissioner Paumier commented this section addresses the application but not the standards. Commissioner Paumier discussed Section 524, item 2. Commissioner Preston commented she believes item 2 addresses the size issue. Commissioner Preston discussed size would need to be added to the definition of artisan business, unless it were to be applied to all conditional uses. There was further discussion.

Chairman Schaadt commented that two of the people, APA Lecklider and Mr. Mercer, who advise our board, the Trustees and providing a document to the Trustees. Both people see an issue with not including size. Chairman Schaadt stated the Zoning Commissioners may believe the issue is addressed elsewhere, but APA Lecklider and Mr. Mercer do not. Chairman Schaadt read an e-mail to the Commissioners and it was discussed. Possible building structures, sizes, and scenarios were discussed.

Commissioner Preston suggested adding single structure to the definition of artisan business previously proposed. Commissioner Paumier stated he would not like to limit the definition to include only a single structure. Commissioner Paumier discussed there could be an office with two manufacturing buildings, storage, etc. Chairman Schaadt stated he liked “primary facility” as manufacturing could take place in the primary structure, but a storage building may be needed which is already okay in the agriculture district when used for agriculture. Chairman Schaadt stated he sees an argument for a size limit on an artisan business as there is a size limit under general business.

Commissioner Preston proposed changing the language to state, “The primary facility, not to exceed \$5,000 square feet,” as this would be half the size of the square footage allowed under general business. Commissioner Preston suggested using the same minimum square footage of \$1,200. There was discussion whether a minimum square footage should be included. It was determined it is difficult to build a building which is less than 1,200 square feet, and as the language is included in two other sections, including it is consistent.

Commissioner Paumier stated his personal opinion is there should not be a size limitation, but if the advisors recommend adding a limit, the Commission should add it. Commissioner Paumier suggested language which states all structures should be on a permanent foundation. There was further discussion concerning this issue. Commissioner Paumier suggested the language state, “Each structure shall have a minimum area of 1,200 square feet but not exceed 5,000 square feet of space by outside dimensions, exclusive of porches, garages, and cellars or basements. All structures must also be on a permanent foundation.” There was open discussion concerning this suggestion.

Commissioner Preston suggested the addition of “primary facility.” The proposed language added to the end of the artisan business definition would then state, “The primary facility shall have a minimum area of 1,200 square feet but not exceed 5,000 square feet of space by outside dimensions, exclusive of porches, garages, and cellars or basements. The structure must also be on a permanent foundation.”

The timeline for the proposed text amendment was discussed. The proposed text amendment will first go before the LCPC, which meets on January 26, 2015. The LCPC will give a recommendation to the Zoning Commission. The Zoning Commission will hold a Public Hearing. If the Zoning Commission accepts the proposed text amendment, or accepts it with conditions, it will then be submitted to the Granville Township Trustees, along with the LCPC recommendation. There was discussion whether any other text changes should be added to the proposed changes concerning artisan business, and it was decided to only include changes concerning artisan businesses at this time.

Commissioner Paumier questioned whether something should be added concerning size of business, and Chairman Schaadt commented he thought Sections 524 and 525 cover size of business. It was commented limiting the size of the building will be easy to enforce, but limiting number of employees would be difficult. Chairman Schaadt stated it also would be difficult to put a limit on a product as the Zoning Commission does not know what the products may be. There was discussion concerning the role of the BZA in approving applications by artisan businesses for conditional use permits.

Motion To Forward Application to the Licking County Planning Commission (LCPC):

Chairman Schaadt explained he has to provide background information and included information from the Comprehensive Plan. Chairman Schaadt presented the application and background information to the Commissioners for their review and approval.

Commissioner Preston made a motion to send the proposed text amendment, background information, and formal application to the LCPC. Commissioner Paumier seconded the motion and it was approved.

Establish Timeline For Public Hearing:

The timeline for a Public Hearing was discussed. It was decided to schedule the Public Hearing for February 9, 2015. This will allow time for review if any changes are recommended by LCPC, will allow for all required public notification, and if the Public Hearing is closed and a regular meeting opened with a vote to recommend the proposed text amendment and forward it to the Township Trustees for their February 11, 2015, meeting. It was discussed the Trustees may approve, approve with conditions, or reject the proposed text amendment.

VIII. New Business/ Old Business:

Olde Park Subdivision Formal Application:

Chairman Schaadt reported a formal application for the Olde Park Subdivision was received on December 31, 2014. Chairman Schaadt provided copies of the application to the Commissioners. Chairman Schaadt reported he submitted the application to Brad Mercer, LCPC, on January 2, 2015. Chairman Schaadt reported he assumes the application will be on LCPC's agenda for January 26, 2015. Chairman Schaadt advised a Public Hearing will also be required for the Olde Park Subdivision application.

Commissioner Preston questioned what happened concerning items which were not right on the application. Chairman Schaadt reported the developers need to amend their application. The Commissioners thoroughly reviewed and discussed in detail all pages of the application. It was discussed 8 and 9 should be reversed. Chairman Schaadt advised all adjoining property owners must be listed in the application and the adjoining property owned by Gerald Young and Amanda Johns was not included. Chairman Schaadt reported Zoning Inspector and Compliance Officer Binckley will be asked to contact the developers and have these items corrected and they will need to submit an amended application. There was discussion about the property size listed on the deed and on the survey. The deed states 100 acres of land and the survey lists 96.37. The changes made by the developers such as the addition of the turn and deceleration lanes, setbacks, greenspace, lot sizes, ponds, etc. were discussed. The calculation for the density bonus was checked and discussed.

There was discussion concerning what is an adequate length for a deceleration lane. Commissioner Paumier suggested requesting the applicant provide documentation indicating the proposed deceleration lanes meet county and state standards, and satisfy the concerns of the school and safety departments.

There was discussion concerning fees and charges. The recording secretary will record which portion of meetings are devoted to the Olde Park Subdivision application. The application fee is supposed to cover any costs to the Township. An estimate for the costs to the Township will be given to the applicant and when it is down to 30% of the estimate, additional funds may be requested. The Zoning Commission has 30 days to give an estimate to the applicant. Chairman Schaadt reported he suggested to Trustee Schott and to Zoning Inspector and Compliance Officer Binckley a set fee be established for work sessions to prevent a loss if a future developer has a work session, but then does not submit an application.

There was discussion concerning the application requirement that the applicant has sufficient control of the land and financial capability to begin the project within one year and to complete the project. Commissioner Preston questioned whether the statement included in the application, "TTT has the financial capability to begin the project within one year" is sufficient. Chairman Schaadt suggested the Zoning Commission could approve subject to this condition. Chairman Schaadt reported APA Lecklider advised the Zoning Commission is responsible for telling Zoning Inspector and Compliance Officer Binckley to issue the permit. There was discussion whether a bond is required. It was decided to check with Mr. Mercer and APA Lecklider to see what typically occurs.

Establish Timeline for Olde Park Subdivision Application:

The timeline for the PUD application was discussed. The application must be submitted to the LCPC within 5 days of receipt. Ten days' notice must be provided prior to a Public Hearing.

Within 30 days following the Public Hearing the Granville Township Zoning Commission shall act to approve, conditionally approve, or disapprove. The Zoning Resolution does not state a time in which a Public Hearing must be held. There was further discussion concerning the timeline to hold a Public Hearing and possible dates for a hearing. Chairman Schaadt will seek further guidance from FO Miller concerning the timeline for holding a Public Hearing.

Text Amendment concerning PUD approval:

Commissioner Paumier questioned the status of changing the PUD approval procedure to give the Trustees final authority. Chairman Schaadt reported he sent a request for information concerning this issue to APA Lecklider but has not yet received response. Chairman Schaadt suggested the Zoning Commission prepare a list of 2-3 text amendments and process them together.

Changes to Sections 405 and 406:

It was discussed changes to Sections 405 and 406 may be done at the same time as the text amendment concerning the PUD approval process.

Solar Panels:

Commissioner Paumier questioned if there has been anything received concerning the proposed Denison University Solar Arrays. Chairman Schaadt the Village of Granville will be holding a Public Hearing on January 8, 2015, concerning the addition of a conditional use for solar arrays to their Zoning Code. Chairman Schaadt reported he is going to try to attend the Village's meeting to see how they handle the issue. Granville Township has not received any applications from Denison concerning solar arrays.

VI. Adjournment:

Commissioner Preston made a motion to adjourn the meeting. Commissioner Paumier seconded the motion and the meeting was adjourned at 9:10 p.m.

Next Meeting:

Will be determined.