

Granville Township Zoning Commission

December 29, 2014

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

I. Chairman Blanchard 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. Announcements of Chairman:

Chairman Blanchard reported the Commission thought it had the text amendment wrapped up, but Assistant Prosecuting Attorney (APA) Lecklider had comments which he wished to discuss personally. APA Lecklider also suggested some changes. Chairman Blanchard commented he believes the suggested changes are very constructive.

Chairman Blanchard advised the purpose of the meeting will be to discuss the recommended changes and create language to resubmit.

IV. Announcements of Commission Members:

There were no announcements.

V. Approval of the December 1, 2014, meeting minutes:

Chairman Blanchard made a motion to approve the December 1, 2014, meeting minutes as submitted. Commissioner Schaadt seconded the motion and the December 1, 2014, meeting minutes were approved.

VI. Old Business:

Conditional Use Text Amendment:

Commissioner Schaadt led a discussion concerning the conditional use text amendment. Commissioner Schaadt reported he and Chairman Blanchard met with APA Lecklider on December 12, 2014. Commissioner Schaadt reported APA Lecklider advised the Commissioner's use of the adjective "agricultural" in the description of an "agricultural related artisan business" opens us many issues with the Ohio Revised Code. Commissioner Schaadt reported APA Lecklider stated he would work with the Zoning Commission, but he and Chairman Blanchard thought it would be easier to leave "agricultural" out and shorten the phrase to artisan business.

Commissioner Schaadt reported the Zoning Commission created a definition which APA Lecklider thought should be more detailed. Commissioner Schaadt reported he solicited input through e-mail from the Commissioners and Commissioner Preston suggested the definition for artisan business be: a business with a skilled workforce which manufactures a high quality product in small quantities, usually by hand, using traditional methods with very little mechanization, and with or without retail. Artisan manufacturing production does not include any activity which causes noise, odor, and vibration to be detected by the neighboring properties.

There was open discussion concerning the definition. Commissioner Schaadt reported APA Lecklider suggested the “with or without retail” portion. This leaves the issue open depending on the businesses which apply. There was discussion some businesses may not want retail. APA Lecklider commented this issue could be discussed with the Board of Zoning Appeals (ZBA). Commissioner Schaadt reported APA Lecklider also asked the Commissions to look into the existing code concerning hours of operation. Commissioner Schaadt commented he did not see anything in the current code regarding hours of operation. Commissioner Preston agreed. Chairman Blanchard commented APA Lecklider’s concern was if a potential artisan business opens in a residential setting there may be issues with retail hours. There was further discussion concerning this issue and the definition. Chairman Blanchard reported stating “with or without retail” leaves the issue open to discussion with the ZBA, adjoining property owners, etc. and does not require it to be spelled out in the zoning code.

Chairman Blanchard questioned if Mr. Reese was aware of any product he would be creating that would create noise, odor, or vibration which would be detectable by neighboring properties. Mr. Reese responded he did not beyond any normal farm noise. There was further discussion.

Commissioner Paumier questioned whether the definition should state, “which causes significant noise, odor, and vibration that would be detectable by neighboring properties. There was discussion concerning whether the word significant, or measurable, etc. should be included. Commissioner Preston reported she found this definition in another zoning code. It was discussed if the word significant was added, the Township would have to define what significant meant. It was decided not to add the word “significant” to the definition.

Commissioner Schaadt commented the definition gives the BZA some concerns to look at and gives them latitude.

Chairman Blanchard reported APA Lecklider questioned if the Zoning Commission wants to add artisan businesses as a conditional use in all districts or only in some. Chairman Blanchard commented he and Commissioner Schaadt could not envision putting an artisan business in a subdivision, or residential district. Commissioner Preston questioned if the conditional use is even needed in a business district. Commissioner Schaadt commented the business district would be the only additional one where he could see a need for the artisan business conditional use and it is not needed under manufacturing. Commissioner Schaadt commented Granville Township’s B-1 zoning is limited.

The commissioners reviewed and discussed page 66 of the Township's Zoning Resolution, Section 910, General Business District- Permitted Uses and Conditionally Permitted Uses.

There was also discussion concerning Section 904, Agricultural District- Conditionally Permitted Uses. Commissioner Paumier commented the Zoning Commission is proposing to add item 10: Artisan Business. The commissioners agreed. There was further discussion whether artisan business should be included under any other sections of the Granville Township Zoning Resolution. The Township Zoning Map was reviewed.

Commissioner Paumier questioned what would be the downside of including artisan businesses under conditionally permitted uses for General Business. It was decided there is not a downside. Chairman Blanchard commented he believes artisan businesses should be encouraged. It was decided to propose item 12- Artisan Businesses be added under Section 910, General Business District- Permitted Uses and Conditionally Permitted Uses.

It was decided artisan business does not need added to light manufacturing as it is already permitted in light manufacturing.

The revised definition was discussed. Commissioner Paumier commented the definition would be added under general definitions, Article 2.

Commissioner Schaadt reported Section 523 is the application portion of Conditional Use and Section 525 is the enforceable portion. Commissioner Schaadt reported Section 523 is the applicant's time to explain to the BZA everything about the proposed business. Commissioner Schaadt reported APA Lecklider suggested the Zoning Commission add the measurable criteria. Chairman Blanchard commented the measurable criteria is not enforceable unless it is also included in Section 525. Commissioner Schaadt reported APA Lecklider advised it would not hurt to include hours of operation in this area. Commissioner Schaadt discussed the Zoning Commission is not proposing to set or limit hours, but is giving the BZA the opportunity to discuss the hours with the applicant.

Chairman Blanchard proposed a change to Section 523, number 9 by adding the underlined words, hours of operation. Number 9 will then read: "A narrative statement evaluating the effects on adjoining property; the effects of such elements such as noise, glare, odor, fumes, vibration, and hours of operation on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Zoning Resolution of Granville Township and the Granville Comprehensive Plan."

Chairman Blanchard commented it is a matter of protecting adjoining property owners. Commissioner Schaadt reported this addition will apply to all conditionally permitted uses and allow the BZA to have a discussion concerning hours of operation. There was further discussion concerning this issue.

There was discussion concerning proposed language for Section 525A Specific Criteria for Conditional Uses. Chairman Blanchard suggested including language concerning early morning

and late night hours would hand cuff the Zoning Commission, and stated he believes negotiation concerning hours of operation should occur at the time of the BZA hearing. Chairman Blanchard commented he thought APA Lecklider would recommend mentioning hours of operation and allowing the BZA and the adjoining property owners determine what hours would be appropriate at the time of the BZA hearing. Chairman Blanchard suggested copying and using the modified paragraph from 523 in 525A. Commissioner Paumier questioned if Chairman Blanchard wanted to create a 16th item under 525A. There was discussion concerning Section 525A, item 5.

Commissioner Paumier suggested adding item 16 to Section 525A- Hours of operation in accordance with 523, item 9. Commissioner Preston commented 525A is the place to limit hours of operation. There was further discussion concerning this section. Commissioner Preston suggested taking out the words, “early morning and late night.” The resulting statement was: “Such use would not create such elements such as noise, glare, odor, fumes, vibration, and hours of operation should be tailored to safeguard against disturbance of residents on adjoining properties and should be compatible with other properties in the district.” Chairman Blanchard commented this statement would create an enforceable parameter for the hours of operation.

Commissioner Schaadt commented he wanted to make sure the Commission does not forget the statement will then apply for any conditional use. Chairman Blanchard commented he thought hours of operation for conditional use should be measurable as agreed to by adjacent property owners and adjacent property owners should have this safeguard. There was further discussion concerning the proposed language and possible scenarios were discussed.

The approval procedure was discussed. Commissioner Schaadt will submit the proposed amendments to APA Lecklider and Brad Mercer, Licking County Planning Commission (LCPC), for review and they return their comments to the Zoning Commission. The next step will be to hold a public hearing regarding the proposed text amendment. It was discussed there is not a need to notify adjacent property owners as the text amendment affects the entire Township. The public hearing will need to be advertised at least ten days before the date of the hearing. The proposed text amendment will also need to be available at the public library. After the public hearing is adjourned, the regular public meeting may be opened and the Commissioners may then vote on the proposed text amendment. It was discussed if there is anything brought up during the public hearing which needs to be addressed, the regular meeting could be postponed. Possible dates for the public hearing were discussed. The Reese’s advised they will be out of town on January 12, 2015. It was discussed the Trustees will also have to hold a public hearing and they have a timeline to follow.

Chairman Blanchard advised the Zoning Commission will recommend the proposed text amendment for approval and it will then go before the Township Trustees.

Olde Park Subdivision:

Chairman Blanchard reported he followed up with Brian Reed, Terra Nova, regarding the Olde Park Subdivision. Chairman Blanchard reported the developers have verbally agreed to resort back to what was previously proposed for the subdivision on SR 37, but there is nothing in writing.

Commissioner Schaadt reported the Zoning Commission may see an application for the subdivision sooner rather than later. Chairman Blanchard suggested the application not be accepted until all the mapping and modifications are changed. There was discussion concerning the subdivision map.

Commissioner Schaadt questioned if the developer's intention is to put the deceleration lanes back and Chairman Blanchard responded the developers advised him they will resort to their promises which included two deceleration lanes. Commissioner Paumier questioned why the developers were not going to put in the deceleration lanes. Chairman Blanchard reported ODOT did not require the deceleration lanes, therefore the developers were not going to put them in. Chairman Blanchard reported he advised the developers the Zoning Commission agreed to give some latitude regarding small lot modifications for the PUD, but did not include changing the entire plan. Chairman Blanchard reported the developers stated they made a promise concerning the deceleration lanes and will keep the promise.

Solar Panels:

Commissioner Paumier questioned if there has been anything received concerning the proposed Denison University Solar Arrays. Chairman Blanchard advised nothing has been received and he has not heard about anything regarding the solar arrays.

Changes to Sections 405 and 406:

Chairman Blanchard reported he has not done anything with Sections 405 and 406. Chairman Blanchard reported he has an Outlook folder with correspondence which he will review for information concerning Sections 405 and 406.

Zoning Resolution Language Concerning PUD Approval:

Commissioner Schaadt discussed who has the final authority concerning PUD approval and the current Zoning Resolution language regarding this issue. Commissioner Schaadt reported under the duties of the Zoning Commission, item 3, it states the Zoning Commission reviews all PUDs and make recommendations to the Township Board of Trustees. Commissioner Schaadt commented this section seems clear the Zoning Commission acts as it does for everything else.

Commissioner Schaadt read Section 912.10 which states, "Should the application for the Development Plan be either approved or approved with conditions, the Granville Township Zoning Commission shall instruct the Township Zoning Inspector to issue zoning permits in accordance with the approved plan and any conditions thereto attached." Chairman Blanchard reported APA Lecklider advised Granville Township is the only municipality which has the Zoning Commission make the final call.

Commissioner Schaadt questioned whether the Commissioners want the final authority concerning PUDs, or want to make a recommendation to the Township Trustees. There was discussion concerning the issue. Chairman Blanchard commented he enjoyed having a check and balance system and discussed in the past several years the Trustees have not had a different opinion than the Zoning Commission. Commissioner Schaadt reported he was told when the language was changed it was because past Trustees wanted to step back from the process. There was discussion whether a text amendment change regarding this issue could be done along with the artisan business text changes. Chairman Blanchard commented the only change required would be the elimination of the

last paragraph in Section 912.10, but suggested this change be something APA Lecklider be directly involved with. Commissioner Schaadt suggested the language in Section 912.10 be changed from, “shall instruct Township Zoning Inspector” be changed to “shall make a recommendation to the Township Trustees.” Possible changes and the existing language was discussed. Commissioner Preston stated she would prefer for the Trustees, as elected officials, to make the final decision. Commissioner Schaadt commented he would be comfortable with making a recommendation to the Township Trustees. It was discussed the Zoning Commission would approve or deny the application. The Trustees would then approve, deny, or approve with conditions.

Commissioner Paumier proposed Section 912.10 be modified to: The Granville Township Zoning Commission shall either approve, deny, or approve with conditions the development plan and make their recommendation to the Township Trustees. The Township Trustees shall either concur or not concur with the Granville Township Zoning Commission. If the Granville Township Trustees approve or approve with conditions they will instruct the Township Zoning Inspector to ...”

Commissioner Preston questioned if the Township Zoning Commission may approve with conditions. Chairman Blanchard reported Zoning Commission negotiates with the applicants. Chairman Blanchard commented before a recommendation is given to the Township Trustees, the negation be done and approval with the negotiated conditions be granted. Chairman Blanchard commented in the current situation with Olde Park, the developers will have made all the negotiated changes in the plans prior to a recommendation being done.

XII. Public Comments:

There were no public comments.

XIII. New Business:

There was no New Business.

IX. Chairman's comment:

A. Discussion regarding resignation.

Chairman Blanchard commented the Zoning Commission collectively agreed to hand over the Chairperson responsibilities to Commissioner Schaadt and Vice Chair responsibilities to Commissioner Paumier. Commissioners Schaadt and Paumier volunteered for the positions and the other Commissioners agreed to their assignments. Chairman Blanchard commented he is encouraged by their enthusiastic outlooks and he is excited to continue to work progressively with all the duties at hand. Chairman Blanchard reported he looks forward to consulting with Chairman Schaadt and Vice Chair Paumier as needed.

VI. Adjournment:

Chairman Blanchard made a motion to adjourn the meeting. Commissioner Paumier seconded the motion and the meeting was adjourned at 8:20 p.m.

Next Meeting:

Will be determined.