

# Randolph Township Zoning Commission

## Hearing

September 23, 2015

7:00pm

**Present:**

ZC: Gary Harrison, Paul Hyde, Lori Briggs, Brad Miller, Rich Knapp

BZA: Chuck Guthier, Betty Sieferth

Trustees: Susan White, Roger Klodt, Mike Lang

ZI: Erin Myrla

Residents: Randolph McKay, Virginia McKay, Diana Phillip, Albert Rothermel, Joe Rothermel, Carolyn Morehead, Frank Morehead, Jane Keener, Margaret Hyde, Kristina McKay, Dennis McKay, John Lampe, Ed Szczesny, Rick Huth, Kevin Gandee, Daniel Remmer, Fred Huth, Howard Kline, John Francis, Ross Esler, Glen Engelhart, Jim Boyle, Carol Boyle, Charlie Brieding, Mary Ann Hilgert, Gary Horning, Dolores Hermann

B. Miller: Opened meeting at 7:00pm with the Pledge of Allegiance. Swore in residents wishing to speak tonight. Stated that the ZC is going to go over zoning amendments. Will go through amendments one by one. Will likely be voting on them to go to Trustees tonight. Nothing is final tonight. The Trustees still have to vote on them to be finalized. Read Amendment 1 description. Described location of Amendment 1 on large Zoning map. Explained that taxes are based upon uses, not on the zoning classification. Asked ZC for comments on Amendment 1. Asked audience for comments on Amendment 1.

C. Morehead: Why are you doing this and who are you people?

B. Miller: Explained what the ZC does. Explained the thinking behind the amendment. There is mostly residential, so it makes sense to return to residential.

D. Hermann: So, you will have one little slip that is GC? When you see that, it will stick out like a sore thumb. I was taught that something like that was spot zoning. I think that you should make it all R2.

B. Miller: Why do you think R2?

D. Hermann: I think what's there now, would fit into R2.

R. Knapp: If you went to R2, it would still be non-conforming.

D. Hermann: The homes wouldn't be. You'll see that strip of different zoning classification.

R. Knapp: If that makes it non-conforming, would it affect them in the future if they try to make any changes?

D. Hermann: They could always come to a hearing.

B. Miller: The business really couldn't expand, because the cemetery is on the one side.

G. Harrison: If we leave the amendment as proposed, nothing commercial could go in.

B. Miller: Right.

G. Horning: You have NC right across the street. Just a thought to have the properties on Hartville road as NC.

Board had discussion on changing the properties facing Hartville road between 224 and Waterloo to NC.

B. Miller: Explained Board discussion. Since NC is across street from Hartville road, those four parcels would be combined into NC. The other remaining Amendment 1 parcels would be changed to R1.

C. Morehead: Worried about development near her property.

R. Knapp: That's part of why we're making that change.

C. Morehead: Why not leave the awning place as commercial and the rest as residential?

R. Knapp: Explained what NC is.

B. Miller: Explained what uses are allowed in NC and GC. Changing this to NC is more restrictive than making GC.

C. Morehead: Would want to change it all to residential except for the awning place.

G. Harrison: Maybe you can explain what NC entails.

B. Miller: Sure.

R. Knapp: GC lots are set up for expansion and development of uses and services. Read what uses are permitted and conditionally permitted uses in GC. That is how the section is zoned currently. What is proposed is to change those properties so that all properties are in conformance. We don't want to put anyone into non-conformance. We would allow for residential uses to be permitted, but also restrict what could be commercial uses. Instead of changing everything to residential, the idea is that this is common ground. Change the lots on Hartville road to NC and leave the rest as residential.

B. Miller: Instead of keeping those four parcels GC, we can propose to make everything R1 except for cemetery and awning place and make those two NC.

B. Miller: Motion to recommend to the Trustees to Amendment 1 as follows: Proposed to rezone the following parcels to R1: 28-058-00-00-023-000; 28-058-00-00-024-000; 28-058-00-00-025-000; 28-058-00-00-026-000; 28-058-00-00-027-000; 28-058-00-00-028-000; 28-058-00-00-021-000; 28-058-00-00-022-000; and part of 28-058-00-00-029-000. Proposed to rezone the following parcels to NC: 28-058-00-00-019-000; 28-058-00-00-020-000.

R. Knapp: Second.

Hyde: Yes      Harrison: Yes      Knapp: Yes      Miller: Yes      Briggs: Yes

B. Miller: Read Amendment 2. The parcel that is owned by 1899 Properties, they would like to keep it NC. He spoke with the owner and it was requested that the parcel remain NC. The proposal is that the three parcels owned by EAST be changed to Industrial.

R. McKay: Asked about access on Waterloo Rd.

B. Miller: The entrances will all remain the same.

J. Keener: Asked what plans EAST has for particular lots. Stated they are noisy now.

B. Miller: I think they want to use them for parking.

J. Keener: Doesn't like the idea.

V. McKay: When we get flooding, it can come up almost to my house. Are they going to pave all of that for parking? If so, the water won't be able to go into the ground. It will all run into the creek.

B. Miller: In Industrial, there is a 50 foot buffer zone. They couldn't do anything within 50 feet of your property. Explained and listed the details of buffer zones.

P. Hyde: It's all gravel now.

J. Keener: Asked about buffers.

R. Knapp: They couldn't put a structure within the setback of the district.

R. McKay: The natural slope of the land is toward the creek. When that's paved, there will be tremendous flooding.

V. McKay: Can there be a drain put in before it's paved?

S. White: They don't plan on paving that.

V. McKay: EAST does a lot for the community. I'm just worried about the water.

R. Knapp: If they wanted to do any projects, they would need to have approval from the county for storm water. Those are the requirements that zoning wouldn't deal with.

J. Keener: What's the sense of us coming if they're going to get it anyway?

R. Knapp: I do think reasonable changes can be made. In the first Amendment, we made accommodations based upon the feedback we've received.

J. Keener: What is the meeting for, a waste of time?

F. Huth: Why can't your amendments say it can only be gravel? That's what they said before. Give them a variance to park on gravel only.

E. Guth: Asked about setbacks and state's setback.

B. Miller: It would be 50 feet from center of the road.

Discussion was held about the State's Right of Way.

S. White: Howard has bought all the property along 44. He bought Troyer's because he didn't want anyone else tearing it down. He doesn't want people to see East from 44. There is one house on 44 that is bad that he will tear it down. I would recommend you talking to East about the noise and maybe they can do something about it. H. Booher does care about the community and neighbors. He told me the driveway is going to be gravel.

E. Szczesny: We are going to gravel this stuff; we aren't going to pave it. The house that is falling apart is too much to repair and is the one we are going to tear down. The houses we have on 44 are going to be kept as rentals.

B. Miller: In the future, do you want to park cars on it?

E. Szczesny: We don't know right now. It's going to be kept as grass and wetlands now.

R. McKay: If that is classified as Industrial, are there limitations?

B. Miller: Explained that the use would need to comply with the regulation of the Industrial district.

R. McKay: Does that sewer easement need to be maintained as a road right of way?

B. Miller: You can pave over it. You cannot build over it or within 15 feet of it.

K. McKay: We live to the west of the rezone. Industrial sounds like it's going to be more buildings than what NC is. I don't understand how you can use the residential land as the buffer.

B. Miller: In R2 and RC, we've put in a buffer zone. What that means is you can't build anything within that setback. Explained the buffer requirements for different districts.

K. McKay: Asked why they want to change it from NC to Industrial. It will increase their property value while decreasing ours. As far as the noise, it goes back to us now. We can hear it at 4 in the morning.

R. Esler: If they don't have plans for it now, why change it? They could come to you when they have the plans.

S. White: Told E. Szczesny to tell the people what they want to do.

E. Szczesny: Trying to get the property consistent with Industrial.

H. Kline: Described what buffers are required against a residential use.

B. Miller: There is screening there now.

H. Kline: That would be up to the ZI to prove that.

R. Knapp: The zoning book as written has a full list of protections for residential properties that border industrial properties. Our purpose is to make the map so that it works best for the community. Having this land that East can't use doesn't make sense. There is already a buffer that is larger than what the book would require. Anything they do, still has to meet the zoning book.

K. McKay: Would like a copy so that she can see these protections. The trees you're talking about as a buffer are on my land.

R. Knapp: It was just commentary about the surrounding land.

B. Miller: Does the creek run along the back of your property?

K. McKay: Yes.

R. Knapp: Are your concerns about having them build closer to your land?

K. McKay: Yes and the sound.

R. Knapp: The sound issue does have protections in the book.

G. Horning: I'm assuming there aren't too many things you can do in Industrial.

B. Miller: Read permitted uses in Industrial District.

G. Horning: I was just trying to let people know what can be done in Industrial. Most people don't know.

R. Knapp: Asked for additional comments.

B. Miller: Some of the uses I read are permitted and some are conditional. If they wanted to do a conditional uses, they would have to go before the BZA. Again, read the conditionally permitted uses.

J. Keener: Asked about the process after tonight.

B. Miller: Explained that the ZC recommends to the Trustees and they make the final decision.

R. Knapp: Motion to recommend Amendment 2 to Trustees as follows: Proposed to rezone the following parcels to I-1: 28-066-00-00-019-000; 28-076-00-00-001-000; 28-076-00-00-001-002. Proposed that parcel 28-076-00-00-001-001 will remain NC per property owner's request.

G. Harrison: Second.

Hyde: Yes      Harrison: Yes      Knapp: Yes      Miller: Yes      Briggs: Yes

B. Miller: Read Amendment 3. Explained location of the parcels in Amendment 3.

R. Knapp: They have been using those properties as parking during the fair after asking the BZA for permission. This change would allow them to do that without asking BZA.

G. Horning: Asked about a parcel shown on map. Asked if it was landlocked.

B. Miller: They are only using the side property for parking. The other property hasn't been used.

G. Horning: If they aren't using it for parking, why zone it for that?

B. Miller: Because they own it.

K. Gandee: That usage for parking is only for one week?

R. Knapp: Currently. If this amendment passes, they would still have to adhere to regulations in Fair District. Listed the permitted uses in Fair District.

K. Gandee: The access from St. Rt. 44 is what we are talking about?

B. Miller: Yes

K. Gandee: How would they police any trespassing from parking? What about discharging firearms? If they put a building against the lot line, how far do they have to be back?

R. Knapp: It would have a 50 foot setback. That's not saying they're going to put buildings back there.

B. Miller: We've invited them here to talk to us about this. Right now, they only want to use it for parking.

K. Gandee: Friendship Acres isn't associated with this?

B. Miller: Nope.

D. Remmer: What if we don't want it?

B. Miller: This isn't the final say. The Trustees have the final vote on it.

H. Kline: Asked about the process of the Trustees voting on it.

M. Lang: Explained the process.

D. Hermann: The Fair is a different kind of entity. They are a very good neighbor and it doesn't make sense to not incorporate the new land. If they can't use this property, perhaps they would sell it and who knows what would happen.

K. Gandee: Just trying to gather information.

S. White: Maybe the thing to do is to meet with a representative of these bodies to get these questions answered.

R. Knapp: Motion to recommend Amendment 3 to Trustees as follows: Proposed to rezone the following parcels to F-1: 28-075-00-00-001-000; 28-084-00-00-007-000.

P. Hyde: Second.

Hyde: Yes      Harrison: Yes      Knapp: Yes      Miller: Yes      Briggs: Yes

B. Miller: Read Amendment 4. Showed the properties on the map. The parcels are currently TC. There is access on Waterloo Road and SR 44. This was proposed because they would like to build a new Ford dealership across the street. It has to be zoned GC for that to happen.

H. Kline: Having them build a new showroom is great. The issue that is frustrating is we talk about sidewalks, buffers, screens, all these issues. Nothing is being relayed to them. Time and again, they aren't following the rules. At Englehart's they don't have the right buffer. It's clearly stated what needs to be there. Described what is required. What they've done over there is waste their time. It doesn't meet our regulations. We need to tell them what they need to do. All of this parking you're talking about is behind us. If we don't tell them that now, it's not going to happen.

B. Miller: If this is changed, it would be a conditional use. They would need to submit plans before they would be able to do anything.

H. Kline: We need to have a plan that is submitted to you and approved by Erin. Described how sidewalks should be installed.

B. Miller: But right now, it's under construction.

H. Kline: There're light poles out there right now.

B. Miller: What light poles?

H. Kline: Across the street. The committee and Erin need to have plans that show what screening and plants are going to be installed. We need to see that on a plan and not verbally stated. With a guaranteed with a time frame. You can't expect them to do this while under construction. What they don't understand is that we aren't fighting them. We're making a lot of concessions to make it easier for them to develop. It's for the appearance of our town. We want our town to look nice. Have the sidewalks, have a four foot grass area with trees. It states in our regulations that the parking lot can't be

the same material as the sidewalks. If we let that stay it's going to continue down the road now that our town has sewers. There has to be a distinct break. I'm not against them. I think they can do it nice. Somewhere along the line, we aren't relaying to them what needs to be done or else they wouldn't have put asphalt in. When we have new development coming in, we need to make sure there are sidewalks going in.

R. Knapp: You made a lot of good points. It's an ongoing battle. Your points are valid. In the interest of time, this isn't the place for that discussion. The Zoning Commission can't really do anything with that information. I'm hoping we can concentrate on these amendments.

H. Kline: Erin told me they got permission to get lighting on Sue Beke's property. All of those lots need to be combined. Just because they got permission to put lights on that small part, doesn't mean that they can put them on the rest of that area.

B. Miller: That a great point to bring up at the BZA.

F. Huth: I thought that the Coontz lot needed to go on the ballot because of a conflict of interest. We can't let it go back to the township trustees.

M. Lang: Yes it can. The prosecuting attorney recommended to run it through the ZC and then Trustees. See what the general consensus of the town was. If people didn't object, it was ok for Trustees to vote.

G. Horning: Asked for clarification of the three parcels. Asked about the buffer requirements.

B. Miller: Explained buffer requirements. Asked for additional comments.

B. Miller: Motion to recommend Amendment 4 to Trustees as follows: Proposed to rezone the following properties to GC 28-065-00-00-034-000; 28-065-00-00-035-000; 28-065-00-00-040-000.

G. Harrison: Second.

Hyde: Yes      Harrison: Yes      Knapp: Yes                      Miller: Yes      Briggs: Yes

B. Miller: Read Amendment 5. Asked for board and audience discussion.

B. Miller: Motion to recommend Amendment 5 to Trustees as follows: Adding to Sec. 554.02 A.:

**6. Residential uses consistent with R2 Residential zoning area requirements.**

G. Harrison: Second

Hyde: Yes      Harrison: Yes      Knapp: Yes      Miller: Yes      Briggs: Yes

B. Miller: Read Amendment 6. Asked for comments from board and audience.

K. McKay: This is what would apply to East. If this is passed, we would have to be 50 feet away from Industrial? We could plant trees, just not build. Right?

B. Miller: Right. This is to the side yard, not the back yard setback.

K. McKay: Asked for clarification about the setback. If they wanted to add on to their house they couldn't?

B. Miller: As long as it is 50 feet from property line.

J. Keener: Asked which properties would be affected.

B. Miller: Showed the audience on the map what properties would be affected. Asked for additional comments.

B. Miller: This is just for RC District.

D. Hermann: The RC has a minimum of a 5 acre lot.

G. Harrison: Motion to recommend Amendment 6 to Trustees as follows: Proposed to change RC Resource Conservation District Sec. 515 E. Minimum Side Yard Width: 15 feet when the lot is adjacent to land in agricultural use, or to an Industrial district, the side yard setback shall be increased to 50 feet.

B. Miller: Second.

Hyde: Yes      Harrison: Yes      Knapp: Yes      Miller: Yes      Briggs: Yes

B. Miller: Read Amendment 7. Asked for comments.

R. Knapp: Motion to recommend Amendment 7 to Trustees as follows: Proposed adding Maximum Height: 35 feet to R-1 Residential District.

B. Miller: Second

Hyde: Yes      Harrison: Yes      Knapp: Yes      Miller: Yes      Briggs: Yes

B. Miller: Read Amendment 8. Asked for comments.

G. Horning: Just talking about adding the height restriction, because there are also some other things listed here.

R. Knapp: Clarified that at the last meeting, the ZC moved to eliminate the other changes.

B. Miller: Motion to recommend Amendment 8 to Trustees as follows: Proposed the following additions to R-2 Residential District: Sec. 550.03 I. Maximum Height: 35 feet.

R. Knapp: Second

Hyde: Yes      Harrison: Yes      Knapp: Yes      Miller: Yes      Briggs: Yes

B. Miller: Read Amendment 9.

R. Knapp: These are to clarify a technicality. Originally the setback only applied if the property was being used as a residence. Now, the setback would apply even if there isn't a residence. The setback would be based upon the district, use or lot.

B. Miller: It protects the homeowners in different districts. Asked for additional questions.

B. Miller: Motion to recommend Amendment 9 to Trustees as follows: Proposed following additions to GC-General Commercial District: Sec. 560.03 E.2. Adjacent to a residential **district, lot or** use: 35 feet within this increased setback, a landscaped buffer of at least 5 feet or a complete screening shall be provided. Sec. 560.03 F. 2. Adjacent to a residential **district, lot or** use: 35 feet within this increased setback, a landscaped buffer of at least 15 feet or a complete landscaped screen or screen of fencing, or a combination shall be provided. Neither solid block walls or chain linked fence shall be deemed suitable fencing material.

R. Knapp: Second

Hyde: Yes    Harrison: Yes    Knapp: Yes    Miller: Yes    Briggs: Yes

H. Kline: Confusion of landscaping buffer with Amendment 9. The amendment needs to be more specific. It doesn't really state the height requirements of the buffer. It's almost like we need to say how high the screen needs to be.

B. Miller: That's a good point. Maybe we can take a look at that at our next meeting.

Meeting adjourned at 9: 00PM.