



Land Use and Zoning Meeting Minutes

December 13, 2012

STAFF:	David Radachy
DATE:	December 14, 2012

The Land Use and Zoning Committee hereby finds and determines that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:30 p.m.

Attendance was taken by sign-in sheet. The following members were present: Messrs. Constantine, Kenyon, Terriaco, and Welch and Ms. Diak. Staff: David Radachy.

No public comments were made.

Mr. Radachy stated that there is one case from Perry Township on the agenda.

Perry Township Text Amendment – Amending Section 302, Creation of B-3, Planned Commercial District, and amending Section 409.08, adding B-3 as a district to allow non-residential signs.

Staff stated that this case involved the creation of new district, B-3, Planned Commercial District. They are creating a purpose statement for the new district, adding new permitted, conditional and accessory uses for the new B-3 District. They are also creating new lot, yard and building requirements for the new B-3 District. All of which are set by site plan approval. They are adding Special Provisions applicable to B-3 Districts only. These include: Land Banking of Parking, Special Parking and Building Setbacks, Access Requirements, Architectural Treatment, Site Lighting, Solid Waste Enclosures, Truck Docks and Service Doors, Mechanical Equipment, Accessory Buildings, Signage and Site Plans. They are also adding B-3 to Signs Permitted in Commercial District in Section 409.08.

The 2009 Perry Township Comprehensive Plan recommended that this type of district be created.

Staff stated that the B-3 District allows less uses than the B-1 or B-2 Districts and the Township is not adding any new uses that are not in other districts. They also stated that this seemed to be a PUD and some communities, including Perry Township, have added statements citing which section of ORC 519.021 that were being used to create the PUD District. Staff made a statement that PUDs are meant to be asked for by the property owners. Staff also stated that the Township may create an overlay PUD. This is similar to a district change, except the district lays on top of another district. Until the overlay is used, the current regulations are in effect; once the overlay is used, the old uses are no longer viable. The difference between the two types is the property owner does not need to have two

public hearings for an overlay district to be used. Both types require the property owner to ask to use them.

Staff stated that access management of US Route 20 is controlled by the State of Ohio.

Staff had some concerns about the architectural aspects of the new regulations. The Township is specifying materials in the architectural treatment section and in the mechanical equipment section. ORC 519.02 states that a township may set architectural standards excluding exterior materials. Specifying split block, wood siding, etc. is specifying exterior materials. There is also no statement that Township Trustees designated the Zoning Inspector or the Zoning Commission to review the architectural treatment standards or if the trustees were going to create an architectural review board. This is required by ORC 519.171.

Finally staff noted that Section 300.01, Establishment of Districts, is not being amended by adding the new district to the list. This is the section that states Perry Township will be divided into the following districts. Staff stated that there are no conditions for Gasoline Stations listed in Section 500, Conditional Uses.

Staff recommended approval of the text amendment. They suggested that B-3 be added to section 300.01, Establishment of Districts. The B-3 needs to be properly referenced to one of the four choices of Planned Unit Developments authorized by ORC 519.021. The Township should establish review procedures that conform to ORC 519.021. If Perry Township chooses to use the district change method, then the project will need to be requested from the landowner and go through two public hearings. The Township may still require the site plan review prior to final approval if they wish. If the Township chooses to use the PUD Overlay District as an option, then they could use a similar review and approval process as the Continuing Care Overlay District. They should remove all references to exterior materials from the regulations to bring the regulations into compliance with ORC 519.02. The Township should designate who is responsible for approving architectural elements per ORC 519.171. That may be an architectural review board, zoning commission or the zoning inspector and set up conditions for the conditional use of gasoline stations.

The Committee asked if Perry Township understood that the property owner needed to ask for the district change and the Township would not be able to change the district to B-3. Mr. Welch stated yes. The Committee also asked if the architectural standards can be used in any district. Staff stated yes, if the district is stated in the zoning resolution that they are required to follow the architectural standards.

Mr. Terriaco made a motion recommending approval with staff's recommendations.

Mr. Constantine seconded the motion.

All voted "Aye".

Motion passed.

That was the only case.

Mr. Welch asked for any new business. Staff stated that there was none.

Mr. Welch asked for any old business. Staff stated that there was none.

There was no public comment.

The meeting adjourned at 6:45 PM.