

XENIA TOWNSHIP ZONING COMMISSION

MEETING

April 25, 2017

THESE MINUTES ARE A SUMMARY OF THE EVENTS OF THE MEETING AND ARE NOT A WORD FOR WORD ACCOUNT OF THE DISCUSSIONS WHICH TOOK PLACE.

The Xenia Township Zoning Commission held a meeting on April 25, 2017 at 6:00 p.m. at the Xenia Township Trustees Office, 8 Brush Row Road, Xenia, OH, 45385; this meeting advertised on the Xenia Township website within 24 hours of scheduling the meeting.

Chair Jeffrey Zweber called the meeting to order at 6:00 p.m.

Attendees: Jeffrey Zweber, Alan King, Donna Randall, Virgil Ferguson, and Alan Stock, Zoning Inspector/Clerk

Mr. Zweber stated that it was time to start with another Land Use Plan, but first he wanted to deal with the minutes from the last meeting. There was discussion about needed changes. Kent Harbison entered and joined the meeting. Mr. Zweber moved to approve the minutes with the discussed corrections. All voted aye.

Mr. Zweber stated that everyone has a copy of an outline of the Plan in front of them. Mr. Stock advised that Section 7 of the Citizens Plan was titled Implementation. There was discussion about Section 7.1 and whether any changes had been made to this section. Mr. Stock advised that this was from the Counter-Proposal. Mr. Stock stated that he had the three maps and showed them to the Commission. There was discussion if there may be a digital copy of these somewhere. Mr. King stated that these days this Plan would be a lot more likely to be read if it was posted somewhere.

Mr. Zweber stated that he asked for this subset of the Plan and that he wanted the Commission to work on this part and then take it to the Trustees to see if it is what they would like in the Plan. Mr. Zweber advised that the Commission may not be done with the Plan before the next election and there could be new Trustees at that time. He stated that if there are new Trustees in January, then the Commission would need to take the Plan to them to see if the new Trustees like it. There was discussion about which Trustees are up for election in November.

Mr. Zweber advised that he would like to start with the first section and read it aloud. He stated that the part that stood out to him was the part about the concern with physical development and related Township decisions. He asked if this was just Zoning. Mr. King stated that this makes it seem that the Plan is more than just zoning. Mr. King stated that if the Township decided to buy three new fire trucks that would affect the future physical development in the Township. Mr. King stated that he sees an overlap between the first bullet and the last bullet. Mr. Zweber stated that yes, they were very similar. Mr. King advised that his position is to make these types of

things simpler, shorter and more precise if possible. Mr. King stated that it needs to be for a set amount of time since the 20-year plan is what set off the Citizens Counter Plan and he stated that he understands having a time on the Plan but mostly it should just look into the future.

Mr. Zweber advised that he does not know if it has to be a 20-year Plan. Mr. Harbison and Mrs. Randall stated that the first Plan was for more like 50 years. Mr. King stated that they should also think about how often this needs to be redone. Mr. King asked if this should be revisited in five to ten years. Mrs. Randall asked when the last Plan was done. Mr. Zweber stated that the Township has never had one. Mrs. Randall asked if anyone has had a problem with where the development has gone since the fifties to 2012. Mr. Zweber stated that he had some, since zoning was started that this Township has never gotten a handle around what in the world is supposed to happen with Kil-Kare and mining in the northern part of the Township. There was discussion about the mining and what has been annexed for it.

Mrs. Randall asked what problem Mr. Zweber had with mining. Mr. Zweber stated that he thinks the problem is different people with different expectations on what the future is going to be and the Township Trustees never wrote it the way they thought the future was going to be. There was discussion about the mining company. Mr. Ferguson stated that the company was under the impression that they could buy this land and it could remain Agricultural and then whenever they were ready to use it, they only had to ask and it would become mining. This turned out to be a false expectation because it was not that easy for this to happen. Mrs. Randall asked if there was ever a contract when they bought the land. Mr. Ferguson stated that he did not know. Mr. Zweber stated that there may not have been zoning when they bought the land. There was discussion about the blasting and how it bothers residents. Mr. Ferguson asked if there was a document that stated in the next 20 or 50 years we expect this land to become a limestone quarry. This would give the person wanting to buy the land next door knowledge of this fact. There was discussion about what the company may have told the land owners in the area at the time they purchased the land.

Mr. Zweber stated that he knows that Land Trusts do exist in the area which are ways for development rights to be purchased and held in trusts from land owners, but that is also not a governmental thing it is a private thing.

Mrs. Randall asked Mr. Zweber what his other problem was and Mr. Zweber stated that his other problem was Kil-Kare. Mr. King stated that it is zoned Agricultural. Mr. Zweber stated that it is a continuing non-conforming use which is allowable.

Mr. Zweber stated that the other areas of concern would be Wilberforce and the U.S. 68 South area. He advised that these are the four areas that concern him the most. Mr. Zweber stated that there are two that can be opportunities rather than problems and these are Bickett Road and U.S. 35, and U.S. 35 and U.S. 42.

Mr. King stated that both Plans seem to have had special planning areas which included Kil-Kare and others that Mr. Zweber mentioned.

Mr. Stock thanked Mr. King for making him look further and he looked in his files and Mrs. Painter's files, but he had not thought to look in Sheryl Blackaby's files. Mr. Stock stated that he found the final presentation in Microsoft Publisher. However, all the pictures came to her in PDF format. Mr. Stock showed the Commission the goals that were stated in the past. He stated that he thought everyone would be astounded and showed the Commission what he had found. Mr. Stock advised that he found where letters were sent to residents when the Zoning Commission was planning to discuss their particular area. Mr. Stock advised that he also found all the resources that they had used while constructing the Plan. Everyone looked over the documents Mr. Stock found for the Commission.

Mr. Stock spoke about some of the meetings that were held while working on the Plan. There was discussion about the aggressive implementations that were in the Plan. Mr. Stock stated that he can get everyone a copy of the documents on a disc. Mr. Stock advised that he found word documents with some of the sections from the Plan. Mr. Stock stated that he found documentation that there were 64 meetings over a four-year period.

Mr. Zweber stated that he had a problem with a statement in the introduction of the Plan which states, "Primarily concerned with physical development and related Township decisions which can be reasonably expected to influence development." He stated that he thinks this makes the Plan about more than land use. Mr. Zweber stated that one thing the Commission should consider is transportation because this might not be strictly land use. Police and Fire protection certainly tends to be considered also. Mr. Zweber advised that other things the Township does might be impacted by the Plan going one way or the other. Mr. Stock advised that he thinks that water, sewer and transportation directly affect the Land Use Plan because if there might be an industrial zone but you do not have any transportation there or if you would have to be residential but you do not have adequate sewer or water. Mr. Stock stated that he sees these as things that could influence the infrastructure. Mr. Harbison stated that he was not sure if road maintenance should be included in this list as well. Mr. King agreed that this could be part of the infrastructure. Mr. King asked if they could put together the police, fire and road maintenance into Township Services. Mr. Zweber stated that would work. There was discussion about what should be included with the infrastructure section.

Mr. Zweber suggested replacing the part of the introduction with physical development and related Township decisions with land use infrastructure and Township services which can be reasonably expected to influence development.

Mr. King stated that he would be interested in exploring combining the first and last bullet points in the introduction. Mr. Zweber stated that he thinks they could just delete the last one. Mr. King advised that on the first one instead of "a basis for Township Zoning Resolution" maybe it should be Township Zoning decisions, which would include the Board of Zoning Appeals. Mr. Stock asked when it is the basis for Township Zoning decisions what is that based on. Mr. King stated that Mr. Stock was right, then it is based on one document. Mr. King stated that the resolution makes decisions or is the basis of the decisions, where this may be more influence on the Zoning Resolution. Mr. Stock stated that if they wanted to say, "as a basis for the decision stemming from the Township Zoning Resolutions." Mr. Zweber stated that if you read the second statement, it covers decisions.

Mr. Zweber asked if there were any changes for the first bullet, and then decisions are in the second bullet, and delete the last bullet. Mr. Harbison asked about the next to last bullet and if the number of years could be changed. Mrs. Randall stated that she does not like making the possibility of this in such a short span of time. Mr. King asked Mrs. Randall if she would like ten years. Mrs. Randall stated that she likes it to be for 20 years. It was decided to keep the Plan a 20-year plan.

Mr. Zweber stated that the next section looks at the five primary roles to help Xenia Township achieve its goals and he read the five roles. Mr. King stated that in number two it is talking about policy recommendations but then it says this is a guidance role, so is this really a primary role. Then with information management, this Plan does not gather new information or data. Mr. Stock asked if he thought that maybe this was referring to the areas as to what kinds of soils they had and maybe information from the most recent census. Mrs. Randall advised that the trends and statistics were two things together not just one or the other. Mr. Zweber stated that if number three is trying to say that the Plan contains a bunch of information compiled for one use. Then this would be a valuable piece of the Plan, so the Plan says that this is all in one place for resident's convenience as of the date stamped on the front of it.

Mr. Zweber stated that when he looks at the document there is a lot of data apparently in it and no analysis. He stated that he does not like data without analysis, he wants to see the work. Mr. King agreed and stated that it shows agriculture has dropped 3% then it should state why it has dropped. He advised it should also state if they want to stop that trend or accelerate it. Mr. King stated that when he read this Plan he thought it went back and forth as to whether these were the benefits of planning or the benefits of having a plan after it is in place. He stated that he thinks it should talk about the benefits of having a Plan and not the benefits of planning, because when someone is reading this the planning is over. Mr. Zweber stated that what he was looking for in this section would be the benefits of having a Plan, which is very difficult to write. He continued and stated that once there is a Plan what is going to be done with it.

Mrs. Randall advised that this would be covered in the section labeled "Why Plan." Mr. Zweber decided to look at that section. He read the section aloud for the Commission. There was discussion about this section.

Mr. King stated that he would like to define what he sees as the roles of the Plan. First, to serve as a historic reference of how we have gotten where we are; second, to use as a tool for future projection and anticipating problems in the future; and third, to protect the Township values and the Township residents and businesses as it relates to land and quality of life, so protecting the Township and its residents, historical and future protections including anticipation of potential problems. Mr. King stated that he started to think about what will this be used for and he does not think we will use it for information management. This contains information and it will be used as a change agent because the Township will have to reference this to say this is where we think it should go. It will be a guide of where a lot of the decision making, a lot of conferences and just get an idea that maybe this part of Township will want to go a certain way. Mr. King advised that if we want to establish what the Township values are and then do what we can to protect those. Mr. Zweber asked if this is better than what they have now. Mr. King agreed and

thinks that a lot of those things are in this Plan but he thinks he would put it in about twelve words. Mr. Zweber stated that he thinks he knows where this is going. He stated that he thinks this is a slow growth Township and that this Township does not look longingly at Miami Township in Montgomery County, Austin Landing, or Beavercreek. He does not get the sense that this is what this Township is currently aspiring to be.

Mr. King stated that it is people who farm and people who want to live near farm land. Mr. Zweber agreed and he thinks that we will be protecting Township values. He was hoping that the value statement could be a lot shorter than the second page. Mr. King agreed and reason this document came about and the angry group got together because they thought that this Plan was going to kill farms in the Township. Mr. Zweber stated that the structure that he is envisioning is that there might be a couple special planning areas which are where we want to contain the change. He stated that in a way it would be like putting a fence around the fast-changing things and drive the change into that area, leaving the rest of the Township in the not going to change very fast section.

Mr. Zweber stated that after a few years of doing this, that this is what this Township wants and then we will argue immensely over the next couple of years on those islands of potential change. Mr. King agreed and stated that if there is going to be change, people of Xenia Township want the change to be contained and away from them.

Mr. King stated that in the areas of no change will need to be talked about in the Plan. Mr. Zweber stated that this is what he would like the first two pages to say or at least that is what the Township wants the first two pages to say. Mr. Stock asked if as they go along and finish each chapter or half of a chapter if he could take it to the Trustees to show them where the Commission is going with the Plan. Mr. Stock advised that when he gives the Commission's working copy of the Plan to the Trustees he would also give them the original PDF and the Citizen's Counter Plan. Mr. King agreed this would be good because the Trustees can tackle it in pieces instead of one big document at the end. Mr. Stock advised that he has also told everyone about the meetings and made sure everyone knew that they were welcome to attend.

Mr. Zweber stated that the next topic should be the value statement. He read the statement aloud. Mrs. Randall stated that she had a problem with the third bullet in this section. She advised that the "promotes high level of public health, safety, welfare, comfort, and convenience" makes it sound more like the City of Xenia. She stated that if she wanted all that stuff available to her then she would move inside the city. Mr. Zweber stated that he would like a high level of public health and safety. He stated that he surely does not want to encourage less safety where he lives. Mr. King suggested that maybe there was a better way to word it. There was discussion about the wording and how to make it more efficient. Mr. King suggested that it could say a high quality of life. Mr. King stated that the bottom bullet point could be condensed to a planning tool. Mr. Stock stated that when he reads this it seems to educate people who would not think of certain things, so he does not see this as what to do with all the words as much as what some people think. For example, making sure we do not use up the irreplaceable resources, what lands are irreplaceable, and the rivers and water source needs to be protected. Mr. Stock stated that this part could be used as an educational tool. He stated that the fourth bullet is a direct quote from

the Greene County Farmland Preservation. Mr. Harbison stated that this seems to be the heart of the whole thing.

Mr. Zweber stated that the fourth bullet would be a good place to start. He stated that this is about the Urban Service Boundary. Mr. Zweber asked everyone to look at a map that showed where the Urban Service Boundary was located. There was discussion about the map, the Urban Service Boundary line and where the extended line would be located. Mr. King asked what was the goal of this boundary. Mr. Zweber stated that this is where water and sewer goes. Mr. King asked if the City of Xenia has any say in where this line is located. There was discussion about sewer lines and where they are located on the map.

Mr. Zweber asked how everyone was with the Urban Service Boundary, because that is stated in bullet number four. He stated that Mr. O'Callaghan suggested not changing the Urban Service Boundary. Mr. Zweber stated that not changing this boundary could impact special planning areas. Mr. Zweber stated that he would be for not changing the Urban Service Boundaries that are outside of the special planning areas. He stated that not changing the boundaries inside the special planning areas could impact the planning for those areas. Mr. Zweber stated that he would not like to change the Urban Service Boundary outside of the special planning areas that the Commission might come up with. Mr. King wanted to clarify this and asked whether Mr. Zweber if he wanted to keep the Urban Service Boundary except where it may infringe on any of the special planning areas. Mr. Zweber stated that in the philosophy that he has for the plan is for slow growth except for special planning areas, which have not been determined yet. Mr. Zweber stated that the Urban Service Boundary should not be changed in areas outside of special planning areas. Any changes to the Urban Service Boundary in a special planning area will be addressed through discussion. Mr. Zweber stated that he did not want to lock the Commission into not changing the Urban Service Boundary. Mr. King advised that making the goal to be keeping it as unchanged as possible with the exception of those discussed. There was discussion about what defined the Service Boundary.

Mr. Zweber stated that he would like to go back to the top of the second page and discuss the statement. He asked if everyone would agree to get rid of the first six words, which are "Land is a finite resource, that." He stated that he thinks the value statement could be "All citizens are stewards of the land, and that the use and quality of the land are of prime importance to each present and future Xenia Township citizen." Mr. Stock asked if they could change the word citizen to resident. Mr. Zweber stated that he preferred resident. Mr. King agreed with changing citizen to resident. Mrs. Randall asked what the difference between the words citizen and resident. Mr. Zweber stated that a citizen would have a different influence by virtue of voting for the Trustees, but not all residents get to vote. There was discussion about the types of citizens that cannot vote. Mr. King stated that all citizens are residents but all residents are not citizens.

Mr. Zweber asked if they could get a survey of non-conforming lots and uses. Mr. Zweber stated that he thought it would be helpful with planning and zoning with usage. He gave the example, that all the lots in Amlin Heights are non-conforming because he does not believe they all have 150 feet of road frontage. Mr. Stock stated that the records that are searchable have people who have asked for a variance in the area or use and some of those have been culled from minutes and others have not. There were huge changes in 2002 where the Commission lowered the number of

districts in the Township. He stated that if we could have an intern that could work on that, because that is time exhausting. He stated that for the commission to try to plan something from a non-conforming use, he did not believe this was the commission's responsibility, but a Board of Zoning Appeals decision. He stated that when anyone asks for a non-conforming use or an area variance they always have a study within 500 to 1000 feet. He stated that what they are asking for, the correct answer is sure we could do that but he does not know how long that would take. Mr. Stock stated that they have 6700 parcels and the Commission want him to look at every one of them. Mr. Zweber stated that he was not asking Mr. Stock personally to do it, but was asking for something that was expensive. Mr. Zweber stated that his opinion was that the Plan should work to reduce non-conforming uses. Mr. Stock stated that Xenia Township was formed in 1805, but zoning did not come along until 1959. Mr. Stock added that zoning has changed so much since it started and he understands that zoning is not consistent in the Township and that he cannot tell them why some of these things are the way they are. Mr. Zweber stated that he was not looking for the why but to see if zoning changes would bring some things into compliance. He stated that if the Township has a lot of non-conforming uses of the same type, and they changed the zone then may be these would be in compliance. There was discussion about how redefining areas might work for the Township. Mr. Stock stated that if a person wants to improve on a parcel of land what is the use and what is the area for that. They would have to conform to the present zoning whatever that may be. He suggested that when writing a special area, it could be written in such a way that people can look at it and see what the parcel looks like and the area that it is in. Mr. King stated that a lot of the special planning areas are places that have been developed, like Old Town or Goes Station. There was discussion about these areas.

Mr. Zweber moved to adjourn, Mr. Ferguson seconded the motion. All voted aye. Meeting adjourned at 8:05 p.m.

ATTEST:

Alan D. Stock, Zoning Clerk