

XENIA TOWNSHIP ZONING COMMISSION

MEETING

July 29, 2014

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 July 29, 2014 at 6:00 p.m. at the Xenia Township Trustees Office, 8 Brush Row Road, Xenia, OH, 45385 with the following members present:

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

Chairman Alan King called the meeting to order at 6:03 p.m.

A motion was made by Jeffrey Zweber to approve the minutes as submitted from the Zoning Commission Meeting on May 27, 2014. Willie Washington seconded. All voted aye. Minutes were approved.

The Commission began work on Rural Entertainment text. They decided to remove the words "working farm" "ranch" and "etc." in an effort to make it applicable to all agricultural property and farms in Xenia Township. If phrase "shall co-exist with the operation of the farm" was removed, the rural entertainment could be done on any agricultural property if the BZA said they could. Alan Stock reminded the group that a property owner could put a barn right on the property line if used for agricultural use in the Agricultural District. If the barn is used commercially for things like weddings and barn dances, they would have to go to the BZA. There is then the factor of hours of operation, how loud the music could be, how many times a year they could be held and how long they would be permitted. Jeffrey Zweber pointed out page 28 in the Zoning Resolution under Agricultural District Conditional Uses which states "loud speakers, jukeboxes, public address systems, and electric amplifiers, if the use of the same is for the occupants of the building only; and if such equipment does not create a nuisance and does not disturb the peace of the neighborhood." The Commission would probably want to clean that up at some point in time. Jeffrey Zweber asked that the topic "Hours of Operation Clean-Up" be placed on the Upcoming Zoning Topics list. The Commission hesitated about setting hours of operation for rural entertainment and not setting hours of operation for other commercial businesses. They did not want to dictate to a farmer how late he could farm. Willie Washington said they could consider the suggestions in Exhibit A which were submitted to the Trustees by the lawyer. The Commission could say "the event has to be x number of feet from the property line or have screening such as fences, trees, or bushes; the event would have certain hours of operation and could have x number of times a year as determined by the BZA, and a permit could be given by the Zoning Inspector after the BZA hearing." Alan King asked if there would be a fee. Mr. Stock answered the Trustees would have to approve fees for that. Jeffrey Zweber thought they could not have temporary conditional uses according to classes he attended. He also said he would not mind the BZA considering these issues on a case by case basis.

In looking at Exhibit A the Commission considered points a-d:

- a. an event may not have more than 150 guests—The Commission did not want to limit the number of guests.
- b. the operation of any such event shall be secondary to the use of the property for Agriculture purposes—the Commission is against this.
- c. an event may not disturb the peace of the neighborhood—that is covered in the Zoning Resolution.
- d. an event may not begin prior to 10:00 a.m. and must end by 11:00 p.m. —It was suggested the event may not begin prior to 7:00 a.m. and must end by 11:00 p.m. The Commission decided to incorporate hours of operation into the definition of Rural Entertainment and Hospitality. There was discussion about plane rides and pony rides on agricultural land. The question arose at what point has an Agriculture District been turned into B-2 or B-3. The Commission considered a limitation on the number of events that could be held. They feel people should have freedom to do many things on their own property and the BZA should look at each individually. They cannot do a conditional use for a certain amount of time. There was discussion about considering certain events on agricultural property as contracted events versus operating a business. The Zoning Commission agreed on the following definition for Rural Entertainment and Hospitality:

Rural Entertainment and Hospitality: A privately contracted business enterprise, not open to the public, on agricultural property that includes non-agriculturally related activities such as: barn dances; weddings; receptions; official or formal ceremonies; social gatherings: family reunions, campfires, picnics, retreats; festivals; or other entertainment or special events. Such activities shall take place between the hours of 9:00 a.m. and 11:00 p.m., no more than twelve (12) days a month, and no more than three (3) consecutive days.

The Zoning Commission will hold a Public Hearing on this text amendment.

Alan King gave an overview of when Cemex asked for a rezone of three parcels several years ago (2011). They wanted to start mining the parcels so wanted rezoned from A to M-3. They have owned the property for a very long time. After talking to many experts and after much deliberation the Zoning Commission approved the rezone with some restrictions. It then went to the Trustees for their approval. The Trustees denied the request at that time. Cemex is now planning to annex into the City of Fairborn. Cemex has a plan to build a two-lane tunnel under SR 235 so the trucks would not have to travel on SR 235. There is a 24” gas line that runs through their property that Cemex would stay away from in their mining. The Xenia Township Trustees are now requesting the Zoning Commission look at this again. Alan Stock explained Cemex’s plan for Type 2 annexation into the City of Fairborn. Type 2 Annexation has certain limitations—you cannot annex more than five hundred (500) acres at a time and you have to have 5% of the area that is adjacent. Phase 1 would entail taking two parcels from Bath Township. In Phase 2 Cemex plans to split the 798 acres they are mining and annex from Xenia Township. The City of Fairborn has fewer restrictions on mining than Xenia Township. Phase 1 should be done by the end of this year. Phase 2 will start early next year. Xenia Township would lose around \$538 a year. They would not be losing much in money. One of the focuses of the Trustees is more protection for the residents in the Township and those that live in Bath Township. Xenia Township has more restrictions for mining than ODNR which Fairborn follows. Also whenever land gets annexed it creates a pocket where you can go 360 degrees if

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you have 5% of adjacent area. This would allow Cemex to annex more and more property out of the Township.

If the Zoning Commission agrees to revisit the rezone topic, the next step will be to have a public hearing. The Zoning Commission put additional recommendations on the rezone when they passed it before. The Zoning Commission will have a breakfast work session to discuss Cemex. The public will be allowed to attend; however, they will not be able to give input at the work session. The date will be set in August.

Jeffrey Zweber made a motion to adjourn the meeting. Willie Washington seconded. All voted in favor. Meeting adjourned at 8:18 p.m.

ATTEST:

Alan D. Stock, Zoning Clerk