

RECORD OF PROCEEDINGS

**MINUTES OF THE
XENIA TOWNSHIP TRUSTEES:**

**PUBLIC HEARING
APRIL 23, 2014**

6:00 PM

Note: These minutes are a summary of the discussion and are not a word for word account of the discussions. The proceedings were electronically recorded. The meeting place was the Xenia Township Office, 8 Brush Row Road, Xenia, Ohio.

PRESENT: Scott Miller, Chairman; Amy Lewis, Trustee; Susan Spradlin, Trustee; Barbara Miller, Fiscal Officer; Alan Stock, Administrator.

Public Hearing was called to order at 6:51p.m. due to a delay in the work session. All participated in the Pledge of Allegiance. This Public Hearing was advertised in the Xenia Gazette and on the Xenia Township website within 24 hours of scheduling this meeting. The Public Hearing was to hear a request from the Xenia Township Zoning Commission for approval of the following amendments to the Xenia Township Zoning Resolution:

- Addition of a definition for Rural Entertainment and Hospitality to Section 201 Definitions
- Addition of Conditional Use 400.4.13 Rural Entertainment and Hospitality
- Addition of 400.8 Signs
- Addition of 400.9 Accessory Parking

Mr. Stock read into record: In the Agricultural District 400.4.13 Rural Entertainment and Hospitality would be an additional conditional use. In the Definition section under Rural Entertainment and Hospitality the verbiage would read: A privately contracted business enterprise at a working farm, ranch or on agricultural property that includes non-agriculturally related activities such as: barn dances, weddings; receptions; official or formal ceremony; social gatherings: family reunions, campfires, picnics, retreats; festivals; or other entertainment or special events; etc., and shall co-exist with the operation of the farm.

Mr. Miller asked for comments in favor of the text amendment. No one spoke.

Mr. Miller asked for comments against the text amendment:

David Reed, attorney with Taft Stettinius and Hollister, 40 N. Main St., Suite 1700, Dayton, OH 45423, on behalf of Bob and Mary Nutter. He handed out executive summaries (Exhibit A). Mr. Reed said the concept of Agri-tourism does not trouble the Nutters. They are concerned the text amendments will cause confusion and future disputes because of different interpretations. Two areas of concern: (1) "Working farm", "ranch" and "agricultural property" are not defined in the Zoning Resolution. When you say agricultural property, do you mean zoned agriculture or used for agriculture. There is no scope of use. (2) What is meant by the use of term "etc." He tried to provide several modifications that would be helpful, such as stating the "principal use as agriculture" (instead of working farm, ranch); remove the term "etc."; and attach "scope of use".

Greg Stewart, Hawkins Rd., said some of Kil-Kare's property is zoned agriculture. He invited all to sit on his back porch to hear the noise they deal with. He asked who proposed this text. Alan Stock answered it was Alan King, Chairman of the Zoning Commission, who wanted to be proactive and work on this text. He knew of a resident in Caesarscreek Township who was having weddings at their farm and it became a problem.

Carolyn Ponder, Hawkins Rd. since the early 1950s, said they have dealt with the issues with Kil-Kare such as noise, trash and activity on the road. They have attended meetings and the outcome always seems to be the same. They would like more support from their local government officials. She quoted Susan Spradlin's words from campaign information about how local government should operate. Ms. Ponder's biggest fear is the problem will escalate and no one will take responsibility for it.

Bob Nutter, 925 Hilltop Rd., expressed his concern about putting “unbridled noise into the noisiest township in Ohio”. He talked about a Zoning Commission meeting in April of last year where Alan King asked for nuisance noise, sound and light levels background and the conversation went on until the Assistant Greene County Prosecutor said if there is a noise, light or dust issue it is best left to a private civil issue between property owners. If so, why have zoning at all—zoning is supposed to alleviate this problem. He tried to work through zoning and he feels the Board of Zoning Appeals doesn’t comprehend the issues. He regularly measures decibel levels, and he would like the Township to recognize there is a problem, use their decibel meter and make regulations.

Mr. Miller asked for questions from the audience:

David Reed asked if the text amendments are approved, would it mean Kil-Kare could use it to extend their uses. Mr. Stock said there was never a mention of Kil-Kare when this text was being considered. The text came about to allow farmers to use their land in other ways to increase their revenue. The Zoning Commission wanted to see what could be done to protect farms and land at the same time. They wanted to leave the restrictions as conditional uses dealt with by the Board of Zoning Appeals.

Barbara Miller, Fairground Rd., asked what constitutes a farm in acres in the Township. Mr. Stock answered in the Agriculture District in Xenia Township the minimum is five acres. She asked if a farmer came in and asked for an avenue to get more revenue. Mr. Stock answered that Alan King was Chairman of the Zoning Commission and had taken calls about it. Also there is a resident on Jacoby Rd. who runs a bed and breakfast who asked about it. Commercial entertainment is already allowed in the Agriculture District in the Zoning Resolution but it is undefined. This text is an attempt to allow things in Xenia Township that other communities have done and to lay out some parameters for it.

Greg Stewart asked if this opens the door for Kil-Kare. Mr. Stock answered Kil-Kare already has a conditional use for doing similar things (this was approved by the Board of Zoning Appeals). Mr. Stewart wondered why the public does not know about it. Mr. Miller explained these hearings are advertised and are open to everyone.

David Reed said when Kil-Kare asked for the conditional use it was only for part of their parcels. He previously conveyed to the Township that the conditional use could not legally extend to the remainder of the Kil-Kare parcels. Mr. Stock answered the Township as well as the Assistant Prosecutor and Greene County Regional Planning are aware of it.

Bob Nutter said no matter what zoning is it seems anything can be passed by the Board of Zoning Appeals. Mr. Stock asked if he was referring to Kil-Kare or the text being considered tonight. Mr. Nutter said he was speaking of Kil-Kare. Mr. Miller spoke about the fine people serving on the zoning boards and the diligent efforts they put forth. He also said there have been issues at Kil-Kare and they have worked hard to resolve them. He wants them to be good community neighbors. He realizes there is noise associated with racing and he feels Kil-Kare has tried to control the length of time of the racing.

Carolyn Ponder has concerns about the closed-door sessions. She asked if the Trustees are concerned with the needs and wishes of the citizens who have lived in the Township a long time, have paid taxes for years, and kept up their properties. She asked who they serve.

Roy Colbrunn, Wilson Drive, asked what the text would encompass for the farmers. Mr. Stock read the text. Mr. Colbrunn said the text is specific until the use of “etc.” which does seem too broad

Carolyn Ponder asked who monitors the activities and controls the noise. Mr. Miller said if it is zoning, it is Mr. Stock, the Zoning Inspector.

Barb Miller questioned the use of family reunions in the text. Mr. Miller answered this would pertain to renting out part of the farm for a family reunion.

Carolyn Ponder questioned how long the events could last. Mr. Miller answered that was not addressed in what was presented.

David Reed said he did put that in his suggested language. He said his suggested language would eliminate Kil-Kare as a user of this text because their principle use is not agricultural. Mr. Stock said the language says enterprise at a working farm, ranch or agricultural property and the intent was revenue for farmers.

Greg Stewart asked if the fee is the same for a family reunion as for a festival. Mr. Stock said yes, the fee is not based on use it is based on an audience with the Board of Zoning Appeals. Mr. Miller added the permit would not necessarily be for one event—it could be for many.

Janis James, Bickett Road, asked if you could limit the amount of events held.

Bob Nutter asked if it would be reasonable to outline what a neighbor should do if they have a problem.

The public comment ended. Mrs. Lewis suggested expanding the scope of the proposed amendment by including more specific information and definitions. She was appreciative of the good comments given. She would like to table this and perhaps send it back to the Zoning Commission with suggestions to re-evaluate the proposed text amendments. Mrs. Spradlin is in favor of doing what you want on your property, but also for people not being inconvenienced by what people are doing on their property. She will take public comments into consideration. She also feels some extra language needs to be added. Mr. Miller noted three things he would like added: 1) size of events by area on property; 2) size of event by number of people; and 3) frequency of events. He will consider the comments and would like a chance to read the exhibit given by David Reed.

A motion was made by Mr. Miller to continue the Public Hearing, Trustee Deliberation Phase, to May 1 at 6:30 p.m., seconded by Mrs. Lewis. Roll Call: Ayes: Mr. Miller, Mrs. Lewis and Mrs. Spradlin. Motion PASSED by a roll call of 3-0. Public Hearing adjourned at 7:42 p.m.

RESOLUTION NO. 2014-092

XENIA TOWNSHIP BOARD OF TRUSTEES

Resolution Number

Scott Miller, Chair

Date Approved

Amy Lewis

Attest:

Susan Spradlin

Barbara Miller, Fiscal Officer