

XENIA TOWNSHIP ZONING COMMISSION

MEETING

January 23, 2018

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 January 23, 2018 at 6:00 p.m. at the Xenia Township Trustees Office, 8 Brush Row Road, Xenia, OH, 45385; this meeting was advertised on the Xenia Township website within 24 hours of scheduling the meeting.

Jeffrey Zweber called the meeting to order at 6:15 p.m.

Attendees: Jeffrey Zweber, Chair, Alan King, Kent Harbison, Virgil Ferguson and Alan Stock.

Mr. Zweber went over the agenda for the meeting and stated that the minutes from the last meeting were ready for approval. Mr. Zweber advised the first thing on the agenda was an update on the zoning process. Mr. Stock advised that Mr. Mullikin had resigned from the Board of Zoning Appeals and that there were now three open seats for that Board. Mr. Stock advised that he was also looking to find a replacement for Mrs. Randall who was now an alternate for the Zoning Commission. He advised to the people who had shown an interest in filling these vacant seats.

There was discussion about the minutes from the last meeting and Mr. King advised to a needed correction. Mr. Zweber moved to approve the minutes from the December 19, 2017 meeting as amended. Mr. King seconded the motion. All voted aye. Motion passed.

Mr. Zweber stated that he wanted to look over the material for the public hearing for tonight. Mr. King stated that he would like to go over the recommendation from Regional Planning first. Mr. Zweber agreed, and everyone looked over the recommendation paperwork. Mr. King stated that one of the recommendation was to check with the fire department to see if any of the changes could cause problems for fire hoses or apparatus. Mr. Stock asked which sections this was referring to and Mr. King explained. There was discussion about fences in front yards and how the changes could affect the fire department. Mr. Stock advised that the other change was in the Screening section with a change to the depth allowed. Mr. Zweber agreed and stated that they wanted to leave the depth of the screening to the discretion of the Zoning Inspector. Mr. Zweber advised to why the Commission decided to take out the word wall and explained some of their discussion to Mr. Stock.

Mr. Zweber stated they should work on the Adult Entertainment topic until it was time for the Public Hearing. Mr. Stock advised that he was looking for some direction and explained the handout given to everyone. There was discussion about Section 527 regarding Adult Entertainment. There was discussion about Section 527 and the districts where these types of businesses would be considered a conditional use. Mr. Stock read a Resolution made by the Trustees in 2011 that would approve adult entertainment in certain districts. There was discussion

about the types of adult businesses allowed in certain districts. There was discussion about which districts adult businesses were a permitted use or a conditional use.

Mr. Zweber moved to recess this meeting at 7:00 p.m. to proceed to the public hearing and reconvene afterwards. Mr. Ferguson seconded the motion. All voted aye.

Mr. Zweber advised they were reconvening and back in session at 7:15 p.m. He stated that they needed to reschedule the next commission meeting for February 20, 2018 at 6:00 p.m. All agreed to the rescheduling of the next meeting to coincide with the Public Hearing that was continued.

Mr. King asked if they need to hold a public hearing for simple errors in the text. Mr. Zweber suggested that Mr. Stock speak with Mrs. Hayden of the Greene County Prosecutor's Office, to confirm what needs to be done. There was discussion about what needed amended.

Mr. Stock read over the suggested changes to Section 527 and the draft application for licensing an adult business. Mr. King asked when he would be able to get more information to them. Mr. Stock advised he would get everything put together so there could be discussion next week during the Joint Trustee and Zoning Board's meeting. Everyone agreed this would be a great topic of discussion for that meeting. There was discussion about the errors that were being found as they read over the Section regarding Adult Entertainment.

There was discussion about the definition for each type of adult oriented business. Mr. Stock stated that it seems from the text that the Township would only want these types of businesses in M-3 districts. There was discussion about what had been discussed in the past and what the Commission wants to do to correct the wording within the Zoning Resolution. Mr. Zweber stated that the minutes from the 2011 meeting clearly stated what the Commission wanted done, but it does not read like that now. Mr. Zweber stated that Mrs. Hayden should be able to advise to how the Commission would have to proceed to make any changes. Mr. Stock advised that he would tell Mrs. Hayden that the Zoning Resolution is not accurate from the May 12th Trustee meeting. He advised that he would show her the resolution from 1998 and what they commission recommended and what the trustees put down. He stated that the intent was clear, and that intent was to remove from everywhere except for making it a principal use in M-3 by licensing only. Mr. Zweber agreed and stated that it was supposed to be prohibited everywhere else. Mr. Stock advised that he would amend the agenda for the Joint meeting to this one topic.

Mr. Stock advised that the licensing application was a draft made up by himself and Mrs. Haller. He was looking for input and comments. There was discussion about the fees that would be associated with the licensing application. There was discussion about the two-different application, the new one and an old one, and how they could be combined to make one. Mr. Zweber asked where it was written that these additional conditions were what needed to be met to get a license. Mr. King stated that the when they refer this application to the Trustees, it would leave the Trustees with the zoning established and he licensing to be established that would include specific rules. He stated when this was adopted it would also have to the licensing will include a set of rules. There was discussion about what would be included in these rules. Mr. Zweber stated that would like to figure out where the licensing stuff goes versus where the zoning stuff goes. Mr. Stock advised that the licensure would have nothing to do with zoning. There was discussion about the process through zoning was required for a business in the Township.

Mr. Zweber advised that he was stuck when it came to the licensing part of Adult Entertainment. Mr. Stock advised to the zoning portion of the Adult Entertainment Application. There was discussion about the process for a new business in the Township. Mr. Stock stated that if a person wanted to open a hospital in B-3, then he could approve his plans, because zoning is about use and area. Mr. Zweber asked if the business was within all the requirements, then what was the process at that point. Mr. Stock advised that he would sign off on the permit because this business would be in compliance as far as zoning was concerned. He stated that if a license was needed from another agency then that was up to the business owner to acquire. Mr. Zweber asked if someone started an illegal business in the Township, who would be responsible for shutting it down. Mr. Stock advised that this could take an attorney. There was discussion about what would happen if a business changed its operation to something else that was not on the permit. Mr. Stock stated that zoning and licensure are two different things and handled by different agencies.

Mr. Zweber moved to adjourn, Mr. King seconded the motion. All voted aye. Meeting adjourned at 8:17 p.m.

ATTEST:

Alan D. Stock, Zoning Inspector