

LAFAYETTE TOWNSHIP ZONING COMMISSION
Regular Meeting
6776 Wedgewood Road, Medina, Ohio
May 5, 2010 @ 7:00 p.m.

Chair Karen Schoonover called the meeting to order at 7:00 p.m. Four members of the Zoning Commission were present: Karen Schoonover, Sherri Meinke, Matt Strehle and Dianne Wenslow (alternate). Russ Green was absent. Also present were Mike Biskup (resigned due to a conflict of interest), Dennis and Elaine McComsey (7400 Eqypt Road) and Zoning Inspector Alliss Strogin.

Minutes

Upon motion by Sherri Meinke, duly seconded by Dianne Wenslow, the April 6, 2010, regular meeting minutes were unanimously approved as submitted and signed.

The minutes from the workshop held April 21, 2010, were distributed and will be considered at the next meeting.

Correspondence

The secretary distributed the following items:

- Zoning Permit Report to date
- May 2010 *GrassRoots Clippings* newsletter
- Letter dated 4/27/10 from Assistant Prosecutor Thorne re. comp plan

Zoning Inspector Report

Zoning Inspector Strogin reported there had been some progress of cleaning up the property at 6833 Lake Road and the property owner was being cooperative in this matter.

New Business

Matt Strehle inquired about a property on Spencer Lake Road that had numerous campers located on it. An exact address is needed so the zoning inspector can check this out.

Matt Strehle also inquired about a property on SR 162 and Lance Road in that it was difficult to see oncoming traffic. It was suggested that if it was a line of sight issue, the Engineer's Office should be contacted to check it out. If trees were in the right-of-way, then the Road Department could be contacted.

Dianne Wenslow stated that the Resale Shop on Lake Road was again accumulating numerous items on the outside. Zoning Inspector Strogin indicated that she had asked the Fire Department to stop by that location again because of potential fire hazard and that the emergency exit is open, etc.

Old Business

In response to the Board's request for the Prosecutor's Office to review Chapters 8, 9 and 10 of the proposed comprehensive plan revision, the Board proceeded to read and review the response of A.P. Thorne dated 4/27/10 with some of the following discussion points:

- “In regard to Chapter 8, Implementation Strategies, I do believe some of the recommendations are too specific...” “General language... would in my opinion be more appropriate.” (Board comments: That’s what we all knew and we had said it went from one extreme to the other. Obviously we concur with the Prosecutor’s recommendation.)
- “The type of review set forth in A.1.c. appear to be far more extensive than would, and should be required, for true Home Occupations.” (Board comments: There would be a problem policing home occupation businesses if this would be expanded. If a home occupation is going on in the house, like a small computer business, it’s not visible outside and there are no external employees and very little traffic. We should stay with just Home Occupation as is and not expand it. We could just say – ‘To review the Home Occupation status’ and make it very general.)
- “I would also remind the Board that while it is not necessarily illegal for the Township to adopt regulations dealing with environmental impacts and concerns, the Court’s have indicated a concern for over involvement, pointing out that specific agencies are already charged with many of the issues that concern the Township.” (Board comments: We could have a simple statement such as ‘comply with all existing county agency rules and regulations.’)
- “The proposal also has conditions in a provision dealing with wildlife enhancement.” (Board comments: Zoning does not have anything to do with wildlife enhancement.)
- “In regard to A.2 Review of Revised Rural Residential District, remember that making something a permitted use taken away the ability of the Township to regulate such uses uniquely.” (Board comments: They are trying to get too specific. It could just be ‘Review the Rural Residential District regulations’ as we don’t need the a, b, c under there.)
- “In A.4 and A.5 you talk about eliminating dog kennels. Dog kennels are recognized agriculture uses and cannot as a rule be regulated... Section 519.21 of the Revised Code does authorize a Township to adopt zoning regulations that would cover any platted subdivision approved under...” (Board comments: In some of the subdivisions we can eliminate the dog kennel, if we choose to. Most subdivisions have their bylaws, which say you can’t have a dog kennel. Again, instead of saying ‘amend’ it could just say ‘Review the Medina City Buffer District’ and ‘Review the Lafayette Township Transition District.’)
- “You may want to recommend that the Township consider adopting zoning provisions which would limit agriculture in such zones. That authorization

however would not be broad enough to permit the type of regulations currently in place for dog kennels.” (Board comments: In certain instances it can be regulated but we don’t have anything in our code specifically regulating agriculture – you are counting on the HOA to do it for us.)

- “In Section D, Administrative Measures, you recommend the establishment of a comprehensive plan implementation plan committee to oversee implementation of the plan. The implementation of the plan once adopted if the legal responsibility of the Zoning Commission and the Township Trustees.” (Board comments: The steering committee was needed up front to help gather information but it’s the township’s job to proceed. It was discussed that there might be a need for an “ad hoc” committee but it’s not for a comp plan. We agree with the Prosecutor’s response.)

- “In Chapter 9, Future Land Use Plan, Section A.5 you indicate that the intensity of uses is dependant upon the availability and capacity of the Township infrastructure including central water and sewer. This Office has advised the Townships for years not to base their plans on the availability of central water and sewer services. There is no need to do so.” (Board comments: You want to have water and sewer in a district because you are allowing small lots and you can’t have small lots unless you have water and sewer. You only put things that require water and sewer availability in areas of the township that have that capability but you don’t specifically say you need to have water and sewer. If the majority of the people in the township wish to maintain two acre lots or even wish to increase it, then as a zoning board we should respond and say this is how we are going to keep the zoning – not because there is water and sewer available but because the majority of the residents desire this type of a lifestyle within the community. You look at your zoning map and find out where water and sewer is and then you make the decision how much you want to allow in a higher density and how much you want to keep rural, etc. So we have to revise that.)

- “Throughout the chapters I have you talk about promoting agriculture. The case law and Revised Code does support the creation of a true Agriculture Zone, that is one in which agriculture is the primary use and any ancillary uses would revolve around that primary use. In order to implement such a zone however the Township would have to be able to prove that agriculture in those areas so zoned is in fact a viable economic use of the property.” (Board comments: So that’s another thing if we are interested in doing that as an overlay zone or whatever, you could have an “ad hoc” committee looking into that issue and report back to the board. In order to protect their farms when the current farmer no longer is able to farm his land or have family members take over, the farmer contacts the Land Conservatory and it will buy the development rights and the property will remain a farm in perpetuity.)

- “Under recommendation in Chapter 10 there is A, by which you recommend that the Zoning Resolution be amended to incorporate provisions specifically designed and intended to protect and preserve Open Space, Scenic Vista, etc... The courts have routinely held that private property owners cannot be forced to bear the burdens of open space and scenic vistas on behalf of the general public without appropriate compensation.” (Board comments: We have discussed this and we need to temper the language. It might have been a recommendation of the steering committee but the committee did not know the law and what legally can be done.)

Chair Schoonover asked if there were any questions about the comp plan from the audience.

Dennis McComsey stated they were just interested to see the scope of the comp plan. He was further interested in the areas to the west side of Lafayette, whether or not that would continue to be an agricultural area or if there were any changed intended there.

In response, Chair Schoonover indicated that it had been discussed about a possible agricultural overlay district to encourage agriculture on the far western area of the township, which is currently marked RR. Mainly what was discussed as potential development is of higher density and would be buffered up against the Medina City area and Montville Township area. The biggest thing that could possibly change is the corridor that runs through Chippewa Lake and up by the Tech Park. The steering committee envisioned a town center and had talked about a couple different areas but they kept coming back to where the town hall is now – the junction of SR 162 and SR 42 even though water and sewer is not available.

It was decided that at the next meeting the Open House maps and data would be reviewed and discussed. We will have to decide how much credence we are going to give that data because it was part of the public input and we really need to follow what the vision is to the best that we can. We need to follow the vision if it actually makes sense.

Our next steps:

- Review the Open House maps and data;
- Make a final decision on the Land Use Map;
- Make a final draft of corrections/changes from all of our comments and the Prosecutor’s comments and get into a document that can be reviewed with MCDPS;
- Once the document is finalized, Chair Schoonover and Trustee Zoning liaison Lynda Bowers will meet with MCDPS;
- When the final draft from MCDPS is received back, the Zoning Commission will review it;
- Then it will go to the trustees.

Chair Schoonover will continue to compile the list of corrections and changes that have been discussed to date. **If any Board member has additional items, please get them to her no later than May 20th so they can be added to the list.** Once the list is compiled, it will be forwarded to the Board for review at the next meeting.

Announcements

- Zoning Commission Regular Meeting, Tuesday, June 1, 2010, at 7 p.m. at the township hall.

- Ohio Zoning Law and Agriculture presented by Ms. Peggy Kirk, OSU Agricultural & Resource Law Program, June 25, 2010, Room 309, Medina County University Center, 8:30 a.m. – 11:30 a.m.; \$5.00 registration fee; RSVP for event at trussell@medinaco.org

Adjournment

Upon motion by Karen Schoonover, duly seconded by Dianne Wenslow, it was unanimous that the meeting be adjourned. Adjourned at 8:15 p.m.

Marlene L. Oiler, Certified PP, PLS
Lafayette Township Zoning Commission Secretary

(Note: Minutes approved on 6/1/10.)