

RECORD OF PROCEEDINGS

Minutes of Union Township Trustees

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held July 11,

2013

Union Township Trustees met in regular session on Thursday, July 11, 2013. The meeting was opened at 7:00 P.M. with the Pledge of Allegiance.

Roll Call: Mr. Beamer, Mr. McGee, Mr. Donnellon
Mr. Campbell, Fiscal Officer

Chief Deimling
Chief Zinser
Service Director – Matt Taylor
Planning & Zoning Director-Cory Wright
Administrator – Ken Geis

Mr. McGee made a motion to approve the minutes from the June 27, 2013, regular meeting. Motion seconded by Mr. Beamer. Mr. McGee – yea: Mr. Beamer – yea: Mr. Donnellon – yea.

Chief Deimling presented his bi-monthly report to the Trustees.

Chief Zinser presented his bi-monthly report to the Trustees.

Mr. Taylor presented his bi-monthly report to the Trustees.

Mr. Wright presented his bi-monthly report to the Trustees.

Mr. Geis presented his bi-monthly report to the Trustees.

A public hearing was held on Overlay Case No. 2-13-O, Overlay Case No. 3-13-O, Zoning Case 3-13-Z and Zoning Case 1-13-T.

Mr. Beamer in accordance with Section 1310 of the Zoning Resolution, made a motion to approve the application for the Focus Area Overlay District Application, consisting of a request by David L. Koehler seeking relief from Sections 602, 661-664, & 1050-1071 of the *Union Township Zoning Resolution* to reoccupy the former Trademark Stationary office and warehouse as submitted and to include the four recommended modifications as stated in the staff report for Overlay Case No. 2-13-O. Motion seconded by Mr. Donnellon. Mr. Beamer-yea: Mr. Donnellon-yea: Mr. McGee-yea.

Mr. McGee in accordance with Section 1310 of the Zoning Resolution, made a motion to approve the application for the Focus Area Overlay District Application, consisting of a request by Angela Albrinck seeking relief from Sections 907.2, 910, 930, & 940 of the *Union Township Zoning Resolution* to maintain the on-premise freestanding sign of the office of Tony Ravagnani Architects located on the Nothin' but Net Sports Complex property as submitted and to include the recommended modifications as stated in the staff report for Overlay Case No. 3-13-O. Motion seconded by Mr. Beamer. Mr. McGee – yea: Mr. Beamer – yea: Mr. Donnellon – yea.

All applicants wishing to speak on the Zoning Cases were sworn in.

William Fieldler, 5888 Cook Road, Milford, Ohio, Architect, spoke in favor of the project.

Linda Wilson, 558 Old Orchard Drive, asked about the control of the project.

Art Wilhelm, 427 McIntosh Drive, expressed his concerns about the project.

Norma Palazollo, 500 Arbor Place, expressed her concerns about the project.

Mr. Beamer in accordance with Section 680-687 of the Zoning Resolution, made a motion to approve the applicant's request to rezone the subject property from R-2 Single Family Residential and R-3 Multi-Family Residential to PD Planned Development District, as submitted and as further recommended by the Zoning Commission, in accordance with the revised site plans submitted by the applicant's representative, and to include the recommended modifications as stated in the staff report for Zoning Case No. 3-13-Z. Motion was seconded by Mr. McGee. Mr. Beamer – yea: Mr. McGee – yea: Mr. Donnellon – yea.

RECORD OF PROCEEDINGS

Minutes of Union Township Trustees

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DAYTON LEGAL BLANK INC. FORM NO. 10148

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2013

Mr. McGee in accordance with Section 519.12 of the Ohio Revised Code, made a motion to approve Case 1-13-T the Text Amendment as presented herein. Motion seconded by Mr. Donnellon. Mr. McGee-yea: Mr. Donnellon-yea: Mr. Beamer-yea.

Mr. McGee made a motion to pay the outstanding bills as prepared by Mr. Campbell. Motion seconded by Mr. Beamer. Mr. McGee – yea: Mr. Beamer – yea: Mr. Donnellon – yea.

Mr. McGee made a motion to accept the Monthly Financial report as prepared by Mr. Campbell. Motion seconded by Mr. Beamer. Mr. McGee – yea: Mr. Beamer – yea: Mr. Donnellon – yea.

Mr. Beamer made a motion to approve the purchase orders presented by Mr. Geis. Motion seconded by Mr. McGee. Mr. Beamer – yea: Mr. McGee – yea: Mr. Donnellon – yea.

Mr. McGee made a motion to approve the annual Statutory Budget for 2014 and certifying the same to the County Auditor for consideration by the County Budget Commission, as prepared by Ronald B. Campbell, Fiscal Officer. Motion seconded by Mr. Beamer. Mr. McGee – yea: Mr. Beamer – yea: Mr. Donnellon – yea.

Mr. Beamer made a motion to adopt Resolution 2013-20, establishing a special improvement district for Jungle Jim's Eastgate and surrounding related properties. Motion seconded by Mr. McGee. Mr. Beamer – yea: Mr. McGee – yea: Mr. Donnellon – yea.

Mr. McGee made a motion to adopt Resolution 2013-21, approval of the recommended alternative method formula for a calculation and distribution of Local Government Funding for a five year period, representing a continuation of a percentage-based allocation of revenue for all entities. Motion seconded by Mr. Beamer. Mr. McGee – yea: Mr. Beamer – yea: Mr. Donnellon – yea.

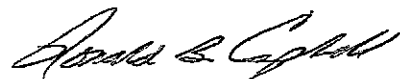
Mr. McGee made a motion to cancel the August 8, 2013 Trustees Meeting. Motion seconded by Mr. Beamer. Mr. McGee – yea: Mr. Beamer – yea: Mr. Donnellon – yea

John McGraw, 4604 Blainfield, Batavia, Ohio, asked about the Jungle Jim's sign and the permitting process regarding signs.

Mr. McGee made a motion to adjourn at 8:06 p.m. Motion seconded by Mr. Beamer. Mr. McGee – yea: Mr. Beamer – yea: Mr. Donnellon – yea.

Meeting adjourned at 8:06 p.m.

Respectfully submitted,



Ronald B. Campbell
Union Township Fiscal Officer

Approved:



RECORD OF PROCEEDINGS

Minutes of Union Township Trustees

Zoning

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

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A public hearing was held on Overlay Case No. 2-13-O, Overlay Case No. 3-13-O, Zoning Case 3-13-Z and Zoning Case 1-13-T.

The applicant has submitted an application requesting an Overlay District Plan approval from the Union Township Board of Trustees for one parcel (PIN 414144E049), seeking relief to Sections 602, 661-664, & 1050-1071 of the *Union Township Zoning Resolution*. If approved, this Overlay District Application would authorize the applicant to reoccupy the existing office/warehouse space where the previous use has discontinued for more than two years. The applicant is proposing a Focus Area Overlay—Neighborhood Quality Corridor [FA—NQ] Overlay District Classification within the Mt. Carmel-Tobasco Mixed Use Corridor.

Mr. Beamer in accordance with Section 1310 of the Zoning Resolution, made a motion to approve the application for the Focus Area Overlay District Application, consisting of a request by David L. Koehler seeking relief from Sections 602, 661-664, & 1050-1071 of the *Union Township Zoning Resolution* to reoccupy the former Trademark Stationary office and warehouse as submitted and to include the four recommended modifications as stated in the staff report for Overlay Case No. 2-13-O. Motion seconded by Mr. Donnellon. Mr. Beamer-yea: Mr. Donnellon-yea: Mr. McGee-yea.

The applicant has submitted an application requesting an Overlay District Plan approval from the Union Township Board of Trustees for one parcel (PIN 413214A008), containing two separate businesses, Nothin' but Net Sports Complex and the office of Tony Ravagnani Architects, and is seeking relief to Sections 907.2, 910, 930, & 940 of the *Union Township Zoning Resolution*. If approved, this Overlay District Application would authorize the applicant to maintain the freestanding sign at issue in its current location and construction. The applicant is proposing a Focus Area Overlay—Neighborhood Quality Corridor [FA—NQ] Overlay District Classification within the Mt. Carmel-Tobasco Mixed Use Corridor.

Mr. McGee in accordance with Section 1310 of the Zoning Resolution, made a motion to approve the application for the Focus Area Overlay District Application, consisting of a request by Angela Albrinck seeking relief from Sections 907.2, 910, 930, & 940 of the *Union Township Zoning Resolution* to maintain the on-premise freestanding sign of the office of Tony Ravagnani Architects located on the Nothin' but Net Sports Complex property as submitted and to include the recommended modifications as stated in the staff report for Overlay Case No. 3-13-O. Motion seconded by Mr. Beamer. Mr. McGee - yea: Mr. Beamer - yea: Mr. Donnellon - yea.

All applicants wishing to speak on the Zoning Cases were sworn in.

The applicant has submitted an application requesting two parcels (PIN 413214E048P & 413214E090P) totaling 10.33 +/- acres, be rezoned from R-2 Single Family Residential & R-3 Multi-Family Residential to PD Planned Development District, incorporating existing and proposed multi-family dwellings into a single cohesive development.

William Fieldler, 5888 Cook Road, Milford, Ohio, Architect, spoke in favor of the project.

Linda Wilson, 558 Old Orchard Drive, asked about the control of the project.

Art Wilhelm, 427 McIntosh Drive, expressed his concerns about the project.

Norma Palazollo, 500 Arbor Place, expressed her concerns about the project.

Mr. Beamer in accordance with Section 680-687 of the Zoning Resolution, made a motion to approve the applicant's request to rezone the subject property from R-2 Single Family Residential and R-3 Multi-Family Residential to PD Planned Development District, as submitted and as further recommended by the Zoning Commission, in accordance with the revised site plans submitted by the applicant's representative, and to include the recommended modifications as stated in the staff

RECORD OF PROCEEDINGS

Minutes of

Union Township Trustees

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DAYTON LEGAL BLANK INC. FORM NO. 10148

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report for Zoning Case No. 3-13-Z. Motion was seconded by Mr. McGee. Mr. Beamer – yea: Mr. McGee – yea: Mr. Donnellon – yea.

The applicant has submitted an application requesting revisions to Section 671 & Definitions of the *Union Township Zoning Resolution* establishing definition for Drug Rehabilitation Clinics, amending the definition of Clinic to distinguish between use types, and amending Section 671 to include Drug Rehabilitation Clinics as a specifically permitted use thereby regulating their use and placement within the M-1 Industrial Zone.

Mr. Wright provided information to the board indicating that the proposed amendment is both rational and well-reasoned in its approach to regulate Drug Rehabilitation Clinics specifically, rather than as a general commercial use, due to the negative secondary affects that such uses may have on the surrounding community and other land uses. Mr. Wright indicated that a primary purpose of zoning, as stated in the preamble of the Union Township Zoning Resolution, is to regulate “the use of land and buildings and the bulk of structures in relationship to surrounding compatibility of different land uses” in immediate proximity to one another, and that further, the preamble states that the Zoning Resolution is established specifically for the “purpose of protecting the public health, safety, comfort, and general welfare” of the township. By defining Drug Rehabilitation Clinics, the Zoning Resolution can clearly distinguish and regulate these uses as an independent use category, since special considerations are required as to prevent any deleterious effects upon non-compatible, established residential or commercial uses.

Mr. Wright presented information relative to Case No. 11 CA 3450 (4th District Court of Appeals, Scioto County, Ohio) citing several relevant facts regarding facilities where substance abuse is treated. Defendant’s brief cites that unintentional drug overdoses became the leading cause of accidental death in Ohio in 2006. Moreover, the brief cites facts that in 2009, southern Ohio (Adams, Ross, Scioto) experienced a disproportionate number of accidental overdose deaths than any of the other 88 Ohio counties. Defendants cite in their brief that approximately 90 percent of all crime in Scioto County was determined to be drug-related, and the 12 county area surrounding southern Ohio and Scioto County saw 20 million more doses of oxycodone and hydrocodone pills dispensed than a similar northern geographic area of comparison.

Mr. Wright also provided information pertaining to these issues occurring regionally and nationally, as referenced in various news articles. Specifically, Mr. Wright cited an article within the May 13, 2013 Online Edition of the Patriot Ledger Newspaper, in Quincy, Massachusetts, reporting that “a Lexington (MA) man sold the addiction-treatment drug Suboxone to an undercover police officer at the Quincy center station on Tuesday.” Mr. Wright indicated that the story reported also that the man was arrested and arraigned in Quincy District Court “for charges of selling Suboxone and possession of Suboxone with intent to distribute.” Mr. Wright also cited an April 30, 2013 WKRC Local 12 News (Cincinnati) story also cites the potential problems associated with certain types of drug rehabilitation centers, including the operation of these centers by convicted felons, and also referenced a May 14, 2013 article posted by the Greenfield, Massachusetts Recorder also discusses the increase in crime associated with addicted persons, and explores the tangible link between addiction and criminal acts. Finally, Mr. Wright reported that the Columbus Dispatch reported on March 23, 2013, that addiction treatment medicines, such as Suboxone, are now being found at prison facilities, due to transmittal of the drugs to inmates there by persons outside of the prison facilities, and that the Chillicothe Gazette also reported on May 29, 2013, that drug abuse leads to more crime.

Mr. Wright concluded that clear evidence surrounding drug and substance abuse addiction, related increases in crime, and the need to appropriately place these facilities in areas where land use conflicts can be minimized through the establishment of appropriate buffers, the proposed text amendment is well-reasoned and appropriate, and will assure that the potential negative secondary effects of these facilities is minimized as to the adverse or negative impacts to adjoining land uses.

Mr. McGee in accordance with Section 519.12 of the Ohio Revised Code, made a motion to approve Case 1-13-T the Text Amendment as presented herein. Motion seconded by Mr. Donnellon. Mr. McGee-yea: Mr. Donnellon-yea: Mr. Beamer-yea.

RECORD OF PROCEEDINGS

Minutes of Union Township Trustees

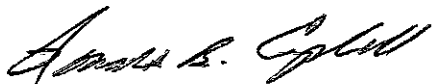
Zoning

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Respectfully submitted,



Ronald B. Campbell
Union Township Fiscal Officer

Approved:

