

# XENIA TOWNSHIP ZONING COMMISSION

## PUBLIC HEARING

May 12, 2016

**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 May 12, 2016 at 7:00 p.m. at the Xenia Township Trustees Office, 8 Brush Row Road, Xenia, OH, 45385 with the following members present:

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

Chairman Jeffrey Zweber called the meeting to order at 7:00 p.m.

Jeffrey Zweber explained what rezoning cases would be discussed at the meeting and asked the guests to vote on which case they were more interested in. It was announced that the rezoning case for Central State University would be discussed first because of the majority vote.

Jeffrey Zweber asked for all attendees and guests to stand for the Pledge of Allegiance. All participated in the Pledge of Allegiance.

Jeffrey Zweber explained the procedures and processes that they are required to follow. He asked that all comments and questions be directed towards him. Jeffrey Zweber asked if there were any questions about the procedures and expectations that would be followed. No questions were asked. Jeffrey Zweber asked for everyone to come to the podium to speak and say their name, address, or organization they were here for.

Jeffrey Zweber stated that the Zoning Commission provided a list of six questions about the rezone. The sixth question was about spot zoning. Jeffery Zweber asked Alan Stock to answer the question about spot zoning, and left the other five questions to be answered by Central State.

Chris Widener, of Central State University, introduced the other members of the Central State facility that accompanied him to answer the questions presented by the Zoning Commission. Chris Widener addressed the question of the status of the land grant first. Chris Widener redirected this question to Charles Shahid who also had a brochure that he handed out to the Zoning Commission, which was exhibit A.

Charles Shahid, of Central State University, defined the term land grant status. Charles Shahid said that land grant status means that Central State achieved its three functions, which are teaching, research, and expansion. Charles Shahid said that this research program and building was meant to serve the community around it. He stated that anyone that wanted to seek help or answers could come to the facility to find what they may be looking for. Charles Shahid stated that the institution needs additional space for facilities. Charles Shahid detailed the facilities and institutions from which Central State receives grants. Charles Shahid said that Central State purchased the parcels in question with one of the grants given to them. Charles Shahid said that Central State's original intention was to have land close to the institution so that the academic

programs can merge a bit with the new facility. Charles Shahid informed that faculty members looked over the available space and determined that additional space would be needed for the research facility. He also shared that with these new facilities, Central State will be able to offer more services and provide more to the community. Charles Shahid informed the Commission that Central State must seek the approval and guidance of their stake holders, which includes the community, before they start the project and even during the construction. He also informed that everything Central State does gets looked over and discussed by the stake holders. Charles Shahid mentioned past situations in which Central State sought input from the community. Charles Shahid also shared that Central State is also working with The Ohio State University.

Chris Widener, of Central State University, informed the Commission that Dr. Bunch was available to answer any further questions on extension. Chris Widener then answered the second question which asked if any other possible sites had been considered. Chris Widener answered and said that the stake holders and community members around Central State were the ones that recommended that Central State use this land. Chris Widener then answered the third question which asked why, if other properties were considered, one of the other properties wasn't selected to build this facility. Chris Widener said that while Central State does own a lot of land already zoned for the purpose of this facility, all of the parcels of land they own are already under plans for future use. Chris Widener shared the end goal of wanting the facility to be similar to Ohio State's with things available such as test farms. Chris Widener then addressed the fourth question which was asking about the legal purpose of the parcel that was given to Central State for the purpose of religious education. Chris Widener shared the one of the parcels was purchased by Central State in 2015, and that a building had been demolished there and the land had been cleaned. Chris Widener also shared that Laura Wilson, the Chief Legal Counsel for Central State, had done extensive research and had not found anything that said the parcel of land given to Central State was to be used for religious education only. Chris Widener also informed that both intuitional/educational and religious purposes were covered under the IG zoning Central State was requesting. Chris Widener then answered the fifth question which addressed whether or not Central State had considered selling the residential parcel of land and building the facility on another parcel that would not require Township rezoning. Chris Widener answered with no. Chris Widener then redirected the final question about spot zoning to Alan Stock. He asked if there were any further questions.

The Commission had no questions.

Alan Stock defined the term spot zoning, and stated that it is often used in a broader sense than intended. Alan Stock defined spot zoning in Ohio as, "singling out a small lot or area for discriminatory or different treatment from that of the surrounding land which is similar in character." Alan Stock informed that only one court case in Ohio found that a Township rezoning decision was considered spot zoning. Alan Stock stated that in this case, if the parcel in question was to be rezoned from R-1 to IG, the public may be unhappy about it, but it would be very unlikely that it could be proven to be spot zoning. Alan Stock shared that this area is a mixed use area within the Township already and that these parcels have already been slated with expansion or commercial use to suit the University's long term goals. Alan Stock encouraged that the use of this land be double checked with the Township Land Use Plan, which he stated could also provide more information on spot zoning. Alan Stock said that from a legal standpoint, spot zoning is the total change of a parcel of land's use from that of the parcels surrounding it. Alan Stock referred to the zoning map, and explained the colors and zones of the

parcels in question and those surrounding it. Alan Stock shared that the parcel in question is next to and is a continuation of 100 acres of IG land already. Alan Stock said that across from Brush Row Road Estate and Residential uses can be seen, and in other areas you can see B-2 land uses. Alan Stock states that this already constitutes mixed use and that this rezone would not be considered spot zoning because it is a continuation of IG land parcels and is in an area of mixed use.

Jeffrey Zweber asked for any questions for Alan Stock. No questions were asked.

Jeffrey Zweber opened up for public comments, asking for comments for the rezone first, and then comments against. Jeffery Zweber then went on to read the letter sent to the Township by Douglas Bailey in favor of the rezone. The letter was received May 10, 2016. Douglas Bailey feels that the construction of this facility will significantly advance the plans and fundamental goals of Central State under its new 1890 Land Grant college status, helping meet research and extension responsibilities. Douglas Bailey fully supports Central State and site and construction of the facility. This letter was brought in as exhibit B.

Jeffrey Zweber asks if anyone else would like to speak in favor of the petition.

Dave Linkheart, of 1782 Fawcett Road, said that as a local farmer and a person with a degree in agriculture from Ohio State, he had been following Central State's Land Grant Status with interest. Dave Linkheart foresees the real challenges lying ahead of Central State in developing this new program. Dave Linkheart informs that he had passed by the parcel of land in question many times and always found it empty. Dave Linkheart does not think it is prime residential land anymore. He wants someone to do something meaningful with the property. Dave Linkheart felt that since the lot has remained empty for so long, and nobody has shown an interest in building a house there, then the parcel should no longer be zoned Residential. Dave Linkheart asked for any questions. No questions were given. The letter Dave Linkheart had written was given to the Commissioners as exhibit C.

Jeffrey Zweber asked if anyone else wanted to speak in favor of the petition. There were no further comments. Jeffrey Zweber then opened the floor to people who wished to speak against the petition.

Dr. Cookie Newsom, of 1530 Wilberforce-Switch Road, said that she was not against the facility itself and that she was not trying to stop progress for Central State. Cookie Newsom feels that rezoning this one parcel could lead to a slippery slope affect. She questioned what would happen after this rezone, and wondered what it would lead to in the future. Cookie Newsom felt deep concerns for the rationale behind not allowing the people that would access this new research facility to come on to the campus itself. Cookie Newsom said that she could only think of one reason behind not wanting the facility on campus, and that it was not pleasant. She questioned why Central State would want the farmers to come on to campus when there is no parking problem and there are not large numbers of people that would get in the way or lead to crowding. Cookie Newsom shares that there was never a community meeting with the Wilberforce community, unlike what Dr. Shahid had said. Cookie Newsom felt that if Central State wanted to go for such a large change, then they should have started by asking the Community about their thoughts and feelings, which was not done. Cookie Newsom said that there are communication issues and trust issues between Central State and the Community. Cookie Newsom also shared

her concerns that changing the zone means that Central State could change their mind and put something less desirable on the parcel.

Jeffrey Zweber asked if there were any further comments.

Bettie Atwater, of 1543 Wilberforce-Switch Road, questions why Central State does not consider land that is already available and zoned appropriately to build this facility rather than the parcel in question. Bettie Atwater felt hurt at the notion that no one would want to build a house or live on the parcel in question. She shared that at one point a house had stood on that land. She informed the Commission that the original owners of the land have designated that the parcel be used strictly for ministry purposes after the split of Central State and Wilberforce. Bettie Atwater said that she does not want to stop progress but she feels that the parcel of land should remain Residential because the title of land ownership had been changed many times in the Auditor's office, which has left it unavailable for residential use.

Jeffrey Zweber asked for any further comments.

Willie Washington, of 1089 Wilberforce-Clifton Road, shared that the parcel in question is zone Residential, and that if someone were to build something next to his home that does not fit that parameters of the zone he would be unhappy. Willie Washington feels that spot zoning is spot zoning regardless. Willie Washington commented that Central State has a lot of land available to it already. Willie Washington stated that the facility would be of little use to the students on campus. Willie Washington felt that building a community garden would be a good alternative to building the facility. He also shared that building a community garden would give the students an activity to do. Willie Washington shared that if he was still on the Zoning Commission, he would not be in favor of this rezone.

Jeffrey Zweber asked if anyone else wished to speak for the first time.

Richard Rung, 1269 Nash Road, cautioned against judging the demand for a lot by the current housing market. Richard Rung shared that there are millions of acres of land that currently stand empty in our country, and that just because someone does not want to buy a piece of property and build a house on it today does not make it undesirable or constitutes a need to rezone it.

Jeffrey Zweber asked for further comments either for or against for the first time.

Dr. Clarence Bunch, of 1181 Turner Place, spoke in favor of the rezone and the development of the facility. Dr. Bunch informed that the land grant that Central State was given is for expansion and research. Dr. Bunch said that this facility is a way for Central State to provide some form of service to the Community. Dr. Bunch stated that Central State wants to use science to give back to the Community. Dr. Bunch said that Central State is grateful to have been granted 1890 Land Grant Status because it provides a way for Central State to give a helpful service to the Community. Dr. Bunch shared that it is the hope of Central State that through this designation, they can build help build and foster relationships around the country and within the Community. Dr. Bunch states that Central State does need to move off campus to expand because it no longer holds the capacity to deliver water to anymore facilities. Central State wants to provide services to local, statewide, and national farmers. Dr. Bunch said that this facility is intended to be an

asset not a liability. Dr. Bunch feels that this facility would be an enhancement to the Community.

Fred Williams, of Dayton, Ohio, shared that he does not feel that this facility would disturb the public at all given that it would not be a 24 hour a day service or operation. He does not see it posing a problem for the residents.

Jeffrey Zweber asked if anyone else wished to speak for the first time. There were not first time comments. He then asked for any second time comments.

Bettie Atwater, of 1543 Wilberforce-Switch Road asked Jeffery Zweber about the talk of annexation to Xenia, Ohio and said that while she does not wish for annexation, she and the community do not wish to see anymore residential area lost.

Jeffrey Zweber asked for further comments. There were no further comments. Jeffery Zweber closed the public comments section and moved to the deliberation.

Jeffrey Zweber moved that 1481 US 42 East owned by Central State University be changed from R-1 Residential One-Family to IG Industrial Governmental. Virgil Ferguson seconded the motion.

Jeffrey Zweber asked for the Commissioner's comments.

Virgil Ferguson shared that he was in favor of the building and felt that it could do a lot of good to the Community. Virgil Ferguson shared that is largest concern was the location of the facility build sight.

Jeffrey Zweber looked at the long term view of the parcels. Jeffrey Zweber stated that since the Township Plan has never been passed, the Township does not have a plan. Jeffrey Zweber stated that in the draft plan, it addressed mixed use. Jeffrey Zweber said that he was aware that before his time on the Commission, there had been talk of putting a gas station up on the parcels in question but the Township residents voted the idea down. Jeffrey Zweber said that in all the options given within the resolution, there is not one that properly goes with mixed use. Jeffrey Zweber said that the two options that are left are less than desirable. Leaving the parcel R-1 will not allow the use described or allow mixed use. R-1 will not allow many things that would be consider university support facilities. Jeffrey Zweber said that the other option available was to rezone the parcels to IG, which does not allow the gas station that the Township did not want. Jeffrey Zweber said that changing the use of the parcels to some degree is what he supports. Jeffrey Zweber said that moving these parcels from R-1 to some other use is what he was looking for. Jeffrey Zweber stated that of the two options available that are not exactly what he was looking for, he supports changing the zone to IG because he believed that it was better than leaving it R-1. Jeffrey Zweber turned the comments over to Donna Randall.

Donna Randall stated that her farming experience has her interested in this new facility and what would be done there. Donna Randall is highly questioning rezoning the parcels to accommodate the new facility.

Jeffrey Zweber asked Donna Randall to consider the wishes of the land owner in terms of what should be done here and how much weight should be given to the wishes of the land owner.

Donna Randall shared that she is in favor of the land owner doing what they wish with their land without having to require a rezone. Donna Randall feels land owners should be able to exercise all of their rights within the zone they are currently in. Donna Randall felt there needed to be a fairly strong reason to change zoning.

Jeffery Zweber asked Donna Randall if she wished for the zones on the map to be permanent.

Donna Randall answered yes.

Jeffery Zweber agreed to disagree on the permanence of the zone locations on the map. Jeffery Zweber asked for further comments from the Commissioners.

Virgil Ferguson clarified that Central State owns the parcels in question.

Jeffrey Zweber called for the vote. Roll Call: Donna Randall – Nay, Virgil Ferguson – Aye, Jeffrey Zweber – Aye. The motion was PASSED by a roll call of 2-1. A Letter of Conveyance will be given to the Board of Trustees recommending the approval of the rezone of the parcels for Central State University.

Jeffrey Zweber adjourned the meeting at 8:11 p.m.

ATTEST:

---

Alan D. Stock, Zoning Clerk