

## Minutes of December 16, 2019 Public Hearing

The Milan Township Board of Trustees held a public hearing on December 16, 2019 at the Milan Township Hall, 24 Park Street, Milan, Erie County, Ohio. The purpose of the public hearing was to consider three proposed changes to the Milan Township Zoning Resolution and/or Map. In attendance: Milan Township Trustees Dan Frederick, Jerry Nickoli and Mike Shover, Fiscal Officer Zach Rospert, and township resident Frank Lytle.

First item was consideration of a proposed change to Article 26.12 Chickens and Domesticated Fowl to include the following additional text: "Chickens and/or other domesticated fowl must be confined to the property on which a Township resident responsible for raising the birds resides, or confined to the property of the property owner responsible for raising the birds". Also proposed was adding the following additional definition to Article 3.57: "Domesticated Fowl: Any domesticated bird including, but not limited to, chickens, ducks, geese or turkeys raised for food or other purposes".

### Testimony presented:

Milan Township Zoning Commission held a public hearing on November 19 to consider these proposed changes. On 12/20 the Commission recommended that the trustees NOT approve the proposed changes.

Erie County Regional Planning reviewed the proposed changes on and concluded that "The proposed text is well intended but it is our recommendation that this language does not belong in the Zoning Resolution." See attached ERPC recommendation dated 12/15/2019.

Township resident Frank Lytle testified at the hearing that "this is no different than a stray dog where a neighbor calls the sheriff or dog warden to enforce control. This doesn't seem to be a zoning issue."

Township residents Sam and Amy Jeremy had previously attended a regular meeting of the Milan Township Trustees to speak in favor of implementing some township control over free range chickens.

After consideration of the testimony presented and further deliberation, the township trustees found that regulations attempting to control Chickens and Domesticated Fowl and enforcement of the same should not become a part of the Milan Township Zoning Resolution. Rather, this issue should remain a civil matter to be worked out between adjacent property owners. Nickoli moved to deny approval of the proposed changes, Shover seconded, the motion passed unanimously.

Second item was consideration of a proposed change to Article 17.1.5 where the following text would be removed: "Dormitories, fraternities, clubs, lodges, social or recreational buildings". Also proposed was to alter the order of Article 17.1.9 to read, "Universities, colleges, business schools or trade schools".

Testimony presented:

Milan Township Zoning Commission held a public hearing on November 19 to consider these proposed changes. On 12/20 the Commission recommended that the trustees NOT approve the proposed changes.

Erie County Regional Planning did not submit a formal recommendation regarding this matter.

Assistant Erie County Prosecutor Susan Brown had previously provided the trustees with much research and various legal opinions for consideration. These opinions were distributed to individual trustees as attorney-client privileged information. The trustees had not previously discussed these issues as a board.

After consideration of the testimony presented and further deliberation, the township trustees determined that clarification of our options (no changes, delete dormitory as a permitted use, or add a definition of the word dormitory) should be solicited from legal counsel. Nickoli moved to continue this portion of the public hearing until 6:45 pm on December 18, Shover seconded, the motion passed unanimously. Trustees shall contact the prosecutor individually with any further questions.

Third item was consideration of a proposed change to the Milan Township Zoning Map to re-classify Parcel # 50-00584.000, owned by John R. Rockwell Jr. and Parcel #50-00584.001, owned by Glenn R. Rockwell, Jr. from the current zoning district of Professional Research and Development (PRD-1) to an Agricultural (Ag) per a request of the Milan Township Board of Trustees.

Testimony presented:

Milan Township Zoning Commission held a public hearing on November 19 to consider these proposed map change. On 12/20 the Commission recommended that the trustees APPROVE the proposed change.

Erie County Regional Planning reviewed the proposed change on and concluded that "Because the proposed rezoning will take the property from a more intense use district to a lower impact zoning district and will limit the potential for access issues, planning staff have no objections to this rezoning." See attached ERPC recommendation dated 12/15/2019.

The current Erie County Comprehensive Land Use Plan shows parcels being “Prime Agricultural Land”.

Township resident Frank Lytle testified at the hearing that “the recent zoning change from AG to PRD should not have originally happened.”

After consideration of the testimony presented and further deliberation, the township trustees found that changing the zoning use of the Rockwell Farm to AG advances the public interest by providing substantial benefit to public health, safety and general welfare of the township by reducing traffic and congestion on Kelly Road and the Mason/250 intersection while also allowing for reasonable economic use of the land since it has been identified as being prime agricultural land which is its current use. Frederick moved to approve the zoning map change, Shover seconded, the motion passed unanimously.

At 6:47 pm, Nickoli moved to continue this public hearing until 6:45 pm on December 18 to continue deliberations regarding the Second Item described above, Shover seconded, the motion passed unanimously.

At 6:45 pm on December 18 this Public Hearing was called back to order. Since continuation of the hearing on Monday, each trustee was able to individually discuss various issues with Milan Township legal counsel and consider her research and opinion regarding the zoning options being considered.

After consideration of the testimony presented and further deliberation, Nickoli moved to adopt a Resolution to delete Dormitories as a principally permitted use in C-2 District. Frederick seconded. Roll Call: Nickoli-Yes, Frederick-Yes, Shover-No Resolution 2016-16 (attached) was adopted by a majority.

Formal action was then taken regarding the Rockwell Farm. Shover moved to adopt a Resolution to change to the Milan Township Zoning Map to re-classify Parcel # 50-00584.000 and Parcel #50-00584.001 from PRD-1 to Ag. Shover seconded. Roll Call: Nickoli-Yes, Frederick-Yes, Shover-Yes Resolution 2019-17 (attached) was adopted unanimously.

With no further business, the Public Hearing was adjourned at 6:55 pm.

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Mr. Daniel Frederick, Chairman

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Mr. Zachary Rospert, Fiscal Officer