

Palmer, Jeff

From: Chris Fuller <chris@endurancefarmpartners.com>
Sent: Wednesday, September 11, 2024 11:00 AM
To: Palmer, Jeff
Cc: William Rueter; Randy Lane; Wolf, Matthew
Subject: Remarks from Board of Zoning Appeals Session

Follow Up Flag: Follow up
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Jeff - Good to see you last night at the Board of Zoning Appeals meeting. While I understand the session was recorded, I wanted to pass along a summary of my remarks from the session.

We will follow up separately on the ongoing discussion related to our submission related to the site's ingress/egress.

Much appreciated,
Chris

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We are prepared to receive this board's consideration and to proceed with the hearing and we think our plan has met the standards of the Clearcreek Township Agritourism Site Plan Review. We would welcome questions and comments and discussion, and a determination to approve, approve with conditions, or deny our application.

Our submitted plan for the property would shift the focus from evening bar, music, and events toward daytime family activities. We would preserve and improve a working farm and share agricultural production, education, jobs, and recreation with the community. We would be moving a young family to the property and building a rich tradition in a county that considers itself "Ohio's largest playground."

The motion to postpone by the Director is based on a mischaracterization of a collaborative meeting with the Police Chief to receive clarifications on his suggestions and preferences for our site plan, informed by his years of experience. We have submitted a plan and have sought to collect comment and feedback in hopes of improving that plan alongside the Zoning Office and Authorities. We conducted a town hall hearing to hear any comments and opposition to our site plan. We submitted a list of proposed activities that exist or will be implemented on the property, under the use of agritourism.

Under Ohio Revised Code § 303.21(C)(4) and § 519.21(C)(4), shown in Exhibit 13c of the materials, the township zoning officials have no power “to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for agritourism except in four key areas and ONLY when NECESSARY for the public health and safety.

Still to this moment, The Zoning Office has inadequately identified what is necessary in the public safety realm to allow them to regulate parts of our zoning plan, including site access and ingress/egress vis-a-vis the 60-year, continuing operation of this farm with decades of agritourism in the form of hayrides, you-pick, and other offerings.

The Zoning Office's opposition to our plan is based on the fact that our emergency access, pedestrian circulation, and parking plan does not perfectly align with the preferences of the Clearcreek Fire Chief and Police Chief's. However, we have received no direct feedback or requirements from either Official or from the Zoning Office.

Under the Township's own standards of adequacy for Agritourism in section 21.01.G.3.C&D, we know of no better way to provide an adequate plan, than to have one designed by a professional, Ohio licensed traffic engineer, with corroboration from ODOT that there are no traffic or safety issues on this stretch of State RT-48, and with suggestions collected from collaborative engagement with Township officials in pursuit of an “adequate” plan for pedestrians, traffic, parking, and that provides emergency access.

We would continue to welcome any feedback, first on why our plan is inadequate, and second to know the parameters of the Townships requirements. We can read for the record the letter from ODOT (which the Zoning Department has received) and the clarifications from Jason Oaks of OAKS Engineers about the suitability of our access, parking, pedestrian, and traffic plan.

[At this point or close to this point my remarks, I read the following except from the ODOT Letter from Sept 9th:

"After hearing their plans and anticipated growth and traffic generators, ODOT has no concerns with them moving forward and will not require any traffic studies or analysis to be completed. ODOT does not view this stretch of SR-48 as having a current safety issue but will continue to observe and monitor."]

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24-BZA-006 Exhibit 23B

In response to the Zoning Office’s objection that we have not identified setbacks for the children’s education and activity area – we clarified that there are no structures contemplated there. In addition, other elements (even the mobile food cabins) do not qualify as a structure under the code.

In response to the Zoning Office’s objection that we have not identified setbacks of existing structures, we noted the Township’s own code, which does not require us to identify anything other than agritourism structures. The “existing structures” in the plan are retail / commercial B-1 buildings or are agricultural in nature.

The Zoning Office had our application for 20 days before we received a response in the mail and never asked for clarification, though it was offered alongside our submission

We would like to proceed with the hearing and to receive constructive feedback to regulate us as necessary to public health and safety up to the standard of the Township's zoning code

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