

DEVELOPMENTAL CONTROLS COMMITTEE

January 31, 2012

There was a meeting of the **Developmental Controls Committee** of the Lima-Allen County Regional Planning Commission held on **Tuesday, January 31, 2012 at 3:00 p.m.** in the Conference Room of the Commission office located at 130 West North Street, Lima, Ohio.

The agenda was as follows:

1. Roll Call
2. Approval of Agenda
3. Approval of DCC Minutes – December 20, 2011
4. Review Marion Township Zoning Amendment (MA-01-12)
5. Review Richland Township Zoning Amendment (RI-01-12)
6. Bond Status Update
7. Other
8. Adjournment

A quorum being present, John MacDonell brought the meeting to order and proceeded with the agenda.

1. **ROLL CALL**

Mr. Paul Basinger	American Township
Mr. Roy Hollenbacher	Bath Township
Mr. John MacDonell	City of Lima
Mr. Bruce Plumb	City of Lima
Mr. Dan Reiff	Allen County
Mr. Walter Rysz	Richland Township
Mr. Troy Strayer	Village of Elida

GUESTS

Mr. Jerry Courtney	YMCA, Pioneering Healthy Communities
Mr. John Leahy, Jr.	Assistant County Prosecutor
Mr. John Leahy, Sr.	Legal Counsel
Ms. Kathy Luhn	Allen County Health Department
Mr. Ron Meyer	Allen County Engineer's Office

STAFF

Mr. Thomas Mazur	Lima-Allen County Regional Planning Commission
Ms. Lisa Steffen	Lima-Allen County Regional Planning Commission

2. **APPROVAL OF AGENDA**

Thomas Mazur presented Committee members with a revised agenda which included "Review Marion Township Zoning Amendment (MA-01-12)" and "Review Richland Township Zoning Amendment (RI-01-12)".

Motion 1 (1-31-12) DCC

Roy Hollenbacher made the motion that the revised agenda be approved. Seconded by Walter Rysz; motion carried.

3. APPROVAL OF DCC MINUTES – December 20, 2011

Motion 2 (1-31-12) DCC

Troy Strayer made the motion that the DCC minutes of December 20, 2011 be approved. Seconded by Dan Reiff; motion carried.

4. REVIEW MARION TOWNSHIP ZONING AMENDMENT (MA-01-12)

Thomas Mazur reported that the parcel is located within Marion Township along Grone Road roughly 550' south of Fifth Street in Delphos. The parcel is currently 30.17 acres; sections of the parcel are zoned both R-1 and Ag respectively. Grone Road is considered an Urban Local roadway according to the Federal Functional Classification System. This portion of Grone Road is currently experiencing 272 AADT with less than 1% truck traffic. Grone is not subject to the conditions of the Allen County Access Management Regulations. Municipal water and sanitary sewer lines are not immediately available to the parcel but are within 1,000'. The parcel is not located within the boundaries of ACRTA's Zone 1. Thomas Mazur reported that the current land use of the parcel is agricultural. The depicted 100-year floodplain is not present on the parcel as identified in FEMA-FIRM panel map number 390758-0025B, Zone X. No wetlands are identified by the USDA; no archaeological sites were identified. Thomas Mazur reported that on January 25, 2012, a 10-acre parcel was divided from the parent parcel. Pending recording and tax map editing, the new parcel along with parcel number should be depicted in the current tax map. Thomas Mazur reported that the petitioner seeks to rezone the new 10-acre parcel from Agricultural and R-1 Residential to Business for the purpose of constructing a building and small office to use in support of a construction business. Marion Township has no approved comprehensive plan. Thomas Mazur reported that staff recommends approval of the rezoning from Agricultural and R-1 Residential to Business as reflecting the highest and best use of the land. Staff further recommends that the issue of any outside storage of equipment or materials be referred to the County Prosecutor for further clarification and direction as such could require action of the Board of Zoning Appeals. John MacDonell questioned how frequently landscaping and/or screening is required. Thomas Mazur responded that most townships have screening provisions in their zoning resolutions; Marion Township, however, is more lax.

Motion 3 (1-31-12) DCC

Roy Hollenbacher made the motion to approve MA-01-12 with the recommendation that the issue of any outside storage of equipment or materials be referred to the County Prosecutor for further clarification and direction. Seconded by Dan Reiff; motion carried.

5. REVIEW RICHLAND TOWNSHIP ZONING AMENDMENT (RI-01-12)

Thomas Mazur reported that the parcel is located in Richland Township along Dixie Highway roughly 700' northeast of CR-263 and 1,900' southwest of Lugabill Road. The parcel is 7.06 acres respectively and zoned R-1 Residential. This segment of Dixie Highway is considered a Rural Local roadway according to the Federal Functional Classification System. This portion of roadway is currently experiencing approximately 2,289 AADT with less than 1% truck traffic. Dixie Highway is not subject to the conditions of the Allen County Access Management Regulations. Municipal water and sanitary sewer lines are not available. The parcel is not located within the boundaries of ACRTA's Zone 1. Thomas Mazur reported that the current land use of the parcel is considered unimproved, vacant and wooded. The depicted 100-year floodplain is not present on the parcel as identified in FEMA-FIRM panel map number 390758-0070B, Zone X. No wetlands are identified by the USDA; no archaeological sites were identified. Thomas Mazur reported that Richland Township's 2030 Comprehensive Plan proposed this location as low density residential. Thomas Mazur reported that the petitioner seeks to rezone 4.5 of the 7 acres from R-1

5. REVIEW RICHLAND TOWNSHIP ZONING AMENDMENT (RI-01-12) (Continued)

Residential to B-2 General Business for the purpose of moving his specialty Jeep CJ business to a commercial location with highway visibility. The Jeeps and a commercial building would be oriented facing I-75. The petitioner has met with a forestry agent who made an assessment of the dying pine trees and lack of usefulness of them on the property. Estimated cost for clearing the pine trees from the property was between \$16,000 and \$32,000. Thomas Mazur reported that staff has not been able to determine through FSA whether or not the timber forest on the property is part of the Conservation Reserve Program (CRP); it is their recollection that the ground is part of the CRP but cannot prove it at this time due to their computer's being down. Thomas Mazur reported that he will forward any information he received from FSA regarding the CRP to Richland Township. Thomas Mazur reported that the proposal to build a house on a portion of the property is in compliance, but putting the business at the location is not supported by the Richland Township 2030 Comprehensive Plan. Thomas Mazur reported that staff recommends denial based on the incompatibility between the proposed use and Richland Township's 2030 Comprehensive Plan.

Motion 4 (1-31-12) DCC

Paul Basinger made the motion to deny RI-01-12 based on the incompatibility between the proposed use and Richland Township's 2030 Comprehensive Plan. Seconded by Bruce Plumb; motion carried with one (1) abstention (Walter Rysz).

6. BOND STATUS UPDATE

Thomas Mazur presented Committee members with a handout regarding sidewalks and the bonding process for subdivisions. Thomas Mazur commented that recently the Sustainability Committee has discussed sidewalks and bikeways as being important to the community. Also presented to Committee members were pictures of a few subdivisions that have some or portions of sidewalks installed but there is little or no connectivity. Thomas Mazur commented that staff had also forwarded documents to Committee members regarding sidewalks. John Leahy, Jr. and John Leahy, Sr. were in attendance to offer some insight into the bonding process. Thomas Mazur commented that the decisions made by the Committee regarding sidewalks will affect the County Engineer and Townships in different ways. Thomas Mazur commented that staff is unsure if the bonds will work as they are submitted.

John Leahy, Sr. commented that the bonds should work, but whether we can get them to work or not could be an issue. John Leahy, Sr. commented that most people don't like sidewalks because they cost money and it is tough to get the developer's to install the sidewalks. John Leahy, Sr. commented that the bond is intended to provide a means to get the sidewalks installed if the developer fails to do so. Developer's sometimes have problems obtaining bonds from the bank or insurance companies, especially if they are smaller developers. John Leahy, Sr. commented that many of the developer's are not ready to be developers and do not understand the entire process. Therefore, it is up to the Committee to make sure that good decisions are made.

Thomas Mazur commented that initially developers were required to put in sidewalks before the final plats were accepted. Then Bill Degen as both a developer and a trustee suggested putting together a bond and this was done and worked fairly well for awhile. But, the housing sector really started taking off and there were individuals who really weren't traditional developers. However, when the housing market began slumping there were problems. Then the bottom fell out of the housing industry and problems started. Thomas Mazur commented that staff's job is to protect the townships by making sure there were performance bonds for sidewalks, roads, water and sewer. Roads, water and sewer haven't been as much of a

6. **BOND STATUS UPDATE** (Continued)

problem but sidewalks have proven to be a problem. Thomas Mazur commented that walking away from the sidewalks and ignoring them will violate the Allen County Subdivision Regulations. Thomas Mazur commented that when the subdivisions came in the developers knew what they were responsible for and their plans show sidewalks.

Jerry Courtney commented that he works with individuals on the Pioneering Healthy Communities initiative. The purpose of this initiative is looking at the relationship between health outcomes and planning. Jerry Courtney commented that the decisions that are made are far broader than just a sidewalk or a bikepath and are directly related to the health outcomes of the community. Jerry Courtney commented that the group has been meeting for the last nine months and has went to Washington DC to listen to experts on the relationship between health and planning. The purpose of the group is to look at how policy, environment and infrastructure relates to health outcomes. Jerry Courtney reported that Allen County ranks 84th out of 88 counties in Ohio in health outcomes. According to the 2009 needs assessment 77 percent of adults in Allen County are either obese or overweight. The Pentagon released last week that obesity is one of the top five issues related to our national security; the CIA did the same. Jerry Courtney commented that the costs related to obesity in the healthcare system is in the billions; there is also lost productivity. Jerry Courtney reported that over the next six months there is going to be a series of health summits. The first will be May 7-9. All of the township governments, planners and developers will receive an invitation. Mark Fenton will be coming to discuss how infrastructure has a direct impact on health outcomes. This will help start a dialogue to help people understand the consequences of the decisions we are going to make as they relate to the long term health incomes in the community and businesses will want to locate here.

Thomas Mazur commented that there are a number of issues to address. Staff has recently received bonds for Camden Ridge and Pondview while others have or will expire soon. We have also received a request for a variance to eliminate sidewalks. Developers are initially given a 60 month bond. When the 60 months is up the developer can either ask for an extension or install the sidewalks. Staff has supported extensions in the past because of the economy. Thomas Mazur commented that staff is concerned as to how we are going to call the bonds and whether or not there is enough money in the bond to cover the installation of the sidewalks. Some of the bonds are insufficient and will not cover the necessary costs. Thomas Mazur commented that when the bonds come due and the developer requests an extension we ask for a new engineer's estimate. Thomas Mazur commented that the easiest way to solve the problem would be to require the developers to install the sidewalks before the final plat will be approved. John MacDonell commented that he doesn't think a bond should expire, but should be called. Thomas Mazur commented that staff supports that but is unsure of how to call the bonds. John Leahy, Sr. commented that we can call the bonds but the problem becomes when we receive the money to install the sidewalks and we may or may not have enough to build the sidewalks given the language in the document. John Leahy, Sr. commented that an insurance bond would provide 100 percent coverage but not many or any developers would be able to obtain this. Dan Reiff questioned if we would have to follow prevailing wage. John Leahy, Sr. commented that we would be required to follow prevailing wage unless there is an insurance bond and then they would make sure it got done. Thomas Mazur commented that John Leahy, Sr. drafted up new bond language but there are still issues to be addressed. Thomas Mazur commented that we need to figure out how the townships and County are going to work together on this issue. Thomas Mazur commented that there are half a million dollars in sidewalks that haven't been constructed. It was initially proposed to wait to install sidewalks until the houses have been constructed in order to pacify the developers. However, this approach is no longer working because of the slowdown in development and the disinterest on the part of the developers. Thomas Mazur

6. **BOND STATUS UPDATE** (Continued)

requested that the DCC have a study session to discuss bond issues. Thomas Mazur reported that staff will send notice to all Committee members regarding the study session to be held on Thursday, February 9 at 2:00 p.m.

7. **OTHER**

None.

8. **ADJOURNMENT**

Motion 5 (1-31-12) DCC

Bruce Plumb made the motion that the meeting be adjourned. Seconded by Troy Strayer; motion carried.