

## DEVELOPMENTAL CONTROLS COMMITTEE

January 5, 2010

There was a meeting of the **Developmental Controls Committee** of the Lima-Allen County Regional Planning Commission held on **Tuesday, January 5, 2010 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 8, 2009
4. Review Richland Township Zoning Amendment (RI-01-10)
5. Review Shawnee Township Zoning Amendment (SH-01-10)
6. Bond Issues/Instruments – John Leahy, Sr.
7. Bond Status Update
  - a. Amanda Lakes No. 4
  - b. Monticello Estates
8. Other
9. 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. Jerry Brooks	Richland Township
Mr. Norman Capps	Perry Township
Mr. Roy Hollenbacher	Bath Township
Mr. John MacDonell	City of Lima
Mr. Mike Stout	Auglaize Township

### **GUESTS**

Mr. Dennis Baker	Solid Waste District
Mr. Bill Kelly	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**

#### **Motion 1 (1-5-10) DCC**

Roy Hollenbacher made the motion that the agenda be approved. Seconded by Jerry Brooks; motion carried.

### 3. **APPROVAL OF DCC MINUTES – December 8, 2009**

#### **Motion 2 (1-5-10) DCC**

Roy Hollenbacher made the motion that the DCC minutes of December 8, 2009 be approved. Seconded by Jerry Brooks; motion carried.

**4. REVIEW RICHLAND TOWNSHIP ZONING AMENDMENT (RI-01-10)**

Thomas Mazur reported that the petitioner, Robert Spallinger, seeks to modify language in the current Richland Township Zoning Resolution to permit recycling services within the B-2 General Business Zoning District. The language proposed would accommodate a full range of recycling services inclusive of establishing a waste transfer facility. Thomas Mazur reported that the property is already being used as a recycling facility. Thomas Mazur reported that a cursory review of the verbiage identified in the proposed zoning amendment would potentially reflect inclusion of the following activities as per the North American Industrial Classification System (NAICS) code: Material Recovery Facilities (NAICS 562920); Distribution of Automotive Scrap (NAICS 562920); Recyclable Material Wholesalers (NAICS 421930), Collecting and/or Hauling Non Hazardous Waste (NAICS 562111); and, Operating Non Hazardous Solid Waste Transfer Stations (NAICS 562111). Thomas Mazur reported that in addition to permitting such recycling services, the proposed amendment would circumvent existing performance measure restrictions in Article 8.8 as well as those on composting activities (Article 11.8) and the accumulation of junk (Article 12.6). Thomas Mazur reported that beyond the fact that the current activity is in operation and in violation of the existing Richland Township Zoning Resolution, there are a number of divergent issues that become apparent at first glance. The first are internal conflicts within the existing B-2 Zoning District; more specifically, the performance standards identified in Articles 8.7 and 8.8. Secondly, there is concern as to whether the site would meet the requirements of the Solid Waste District, the Allen County Health Department and/or the Ohio Environmental Protection Agency given the nature of not only the existing operation but potential uses. Finally, the fact that the existing site is highly visible from IR-75 and US 30, and its configuration with extremely limited roadway access and adjacent parcels that are landlocked, beg the question as to whether the site is: (a) suitable for such an economic activity, especially given the range of potential uses under the new verbiage proposed; (b) best served with a more comprehensive site plan able to address the use of adjacent parcels and potential uses; and/or, (c) whether the site and the proposed language would better reflect an industrial classification. Thomas Mazur reported that in any case, staff takes objection to the language of the proposed amendment as a “permitted use” within the B-2 Zoning District designation suggesting that even in an Industrial District classification such a use would best be regulated as a conditional use. Thomas Mazur commented that the proposed language is very open ended and does not take performance standards into consideration. Thomas Mazur presented Committee members with a handout outlining conditional uses. Thomas Mazur commented that in today’s economy businesses/entrepreneurs/activities tend to morph and change. Most of the time this is okay as long as the new use is allowed in the zoning classification. However, once there is a change of use, there can be problems. Thomas Mazur reported that staff recommends that the Township deny the petition as submitted.

John MacDonell questioned what the difference was between a transfer station and a recycling station. Bill Kelly responded that generally a recycling facility must be able to demonstrate that they are recycling 60 percent of the materials that are being brought onto the property. The other 40 percent is put into dumpsters to haul out. If there is more than 40 percent of trash being brought in that is not being recycled the facility would have to obtain a license to be a solid waste transfer facility.

Jerry Brooks commented that he brought the site being discussed to the attention of the trustees a year ago. Jerry Brooks commented that it is an illegal use. Roy Hollenbacher questioned if the Richland Township Zoning Board has ruled on the issue. Thomas Mazur responded that Richland Township has identified the fact that the site is in noncompliance, but because Mr. Spallinger was a long standing secretary of the zoning board, he received some leeway.

**4. REVIEW RICHLAND TOWNSHIP ZONING AMENDMENT (RI-01-10) (Continued)**

Dennis Baker reported that in order to be able to be approved for a transfer or recycling facility a plan would need to be submitted to the Solid Waste District addressing all of the information required and submit the plan to the Board of Directors. Bill Kelly questioned if anyone could open a recycling facility without the approval of the Solid Waste District. Dennis Baker responded that approval from the Solid Waste District is required or there is a \$5,000 per day fine. Dennis Baker commented that an employee from the Solid Waste District went to the Spallinger site in question and tried to locate the owner but was unable to find him. The employee said it appears the rolloffs are backed up to the barn where they are emptied and sorted through inside the barn. Dennis Baker commented that he will have to send Mr. Spallinger a letter not that he is aware of the situation.

**Motion 3 (1-5-10) DCC**

Norman Capps made the motion to deny RI-01-10 based on the ambiguity of the language submitted and the internal conflicts created within the existing Zoning Resolution due to the proposed language. Moreover, the DCC found the proposal failed to be supported by the Richland Township Comprehensive Plan. Seconded by Jerry Brooks; motion carried.

**5. REVIEW SHAWNEE TOWNSHIP ZONING AMENDMENT (SH-01-10)**

Thomas Mazur reported that the petitioner, Village at Riverwalk, established a PUD district to accommodate the development of a 60-unit condominium community inclusive of multifamily 4-unit structures; and, an additional 36 homes on an optioned parcel. Thomas Mazur reported that the petitioner has supported new residential development since 2004 and with changing market conditions is now requesting Shawnee Township consider alternative building designs that will alter the original 60-unit PUD approved under Article XIII of the Township Zoning Resolution. This petition, as presented, will allow VRW/LLC to offer seven (7) different floor plans developed to attract a wider market and expedite completion of the condominium community. Thomas Mazur reported that the amended PUD would allow for the possibility of duplex and stand alone single family home designs. Thomas Mazur reported that the amended PUD would also reflect the relocation and redesign of the private roadway serving the condominium units ultimately eliminating a dead end street with increased connectivity to the existing internal roadway system. Thomas Mazur reported that as the design of the VRW community will not negatively affect public services including public roadway access, emergency access, or drainage and as potential changes in density (the potential loss of 2 units) will not negatively impact the Township, staff recommends approval.

**Motion 4 (1-5-10) DCC**

Roy Hollenbacher made the motion to approve SH-01-10 and accept the optional building designs to further the completion of the condominium development. Seconded by Paul Basinger; motion carried.

**6. BOND ISSUES/INSTRUMENTS – JOHN LEAHY, SR.**

Thomas Mazur commented that at the last meeting John Leahy, Sr., attended the meeting and discussed various bond issues with the Committee. Thomas Mazur reported that just prior to that meeting information was received from the County Commissioners Association of Ohio regarding the bond process and language used. Thomas Mazur reported that he spoke with John Leahy, Sr., before the meeting and decided that he would like to talk to Tim Piper and Steve Kayatin for their input. The instruments that were prepared by Larry Long were rather heavy handed. Thomas Mazur reported that staff would like to table the discussion until further review of information can be accomplished.

6. **BOND ISSUES/INSTRUMENTS – JOHN LEAHY, SR.** (Continued)

**Motion 5 (1-5-10) DCC**

Jerry Brooks made the motion to table “Bond Issues/Instruments.” Seconded by Roy Hollenbacher; motion carried.

7. **BOND STATUS UPDATE**

a. Amanda Lakes No. 4

Thomas Mazur reported that staff talked with James Williams regarding the bond for Amanda Lakes No. 4 and a new bond has been posted for sidewalks. Thomas Mazur commented that staff expects Mr. Williams to request from the Township that the sidewalks be eliminated in the near future.

b. Monticello Estates

Thomas Mazur reported that staff has been in discussions with Freeman Hostetler regarding the outstanding bonds for Monticello. Monticello currently has four (4) outstanding bonds. Staff has spoken with Fred Vernon with Huntington Bank and has obtained contact information. One of the bonds for Monticello has expired. However, staff is not concerned at this point in time because there are still other bonds for the subdivision.

8. **OTHER**

None.

9. **ADJOURNMENT**

**Motion 6 (1-5-10) DCC**

Jerry Brooks made the motion that the meeting be adjourned. Seconded by Norman Capps; motion carried.