

DEVELOPMENTAL CONTROLS COMMITTEE

November 9, 2010

There was a meeting of the **Developmental Controls Committee** of the Lima-Allen County Regional Planning Commission held on **Tuesday, November 9, 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 – October 12, 2010
4. Review American Township Zoning Amendment (AM-02-10)
5. Review Bath Township Zoning Amendment (BA-02-10)
6. Other
7. Adjournment

A quorum being present, Bruce Plumb brought the meeting to order and proceeded with the agenda.

1. **ROLL CALL**

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
Mr. Howard Violet	Marion Township

GUESTS

Mr. Ron Meyer	Allen County Engineer's Office
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STAFF

Mr. Thomas Mazur	Lima-Allen County Regional Planning Commission
Mr. Justin Niese	Lima-Allen County Regional Planning Commission
Ms. LeeAnn Sypherd	Lima-Allen County Regional Planning Commission

2. **APPROVAL OF AGENDA**

Bruce Plumb reported that a revised agenda had been distributed with the addition "Review Bath Township Zoning Amendment (BA-02-10)."

Motion 38 (11-09-10) DCC

John MacDonell made the motion that the revised agenda be approved. Seconded by Roy Hollenbacher; motion carried.

3. **APPROVAL OF DCC MINUTES – October 12, 2010**

Motion 39 (11-09-10) DCC

Roy Hollenbacher made the motion that the DCC minutes of October 12, 2010 be approved. Seconded by Walter Rysz; motion carried.

4. REVIEW AMERICAN TOWNSHIP ZONING AMENDMENT (AM-02-10)

Thomas Mazur reported that the requested rezoning is for three properties located in American Township roughly 205' south of the intersection of Eastown Road and Allentown Road; 3950' north of Koop Road. The parcels are 0.594, 0.946 and 0.946 acres respectively and zoned R-1. The applicants seek approval to change their zoning to a B-2 for the purpose of building a car wash and for future development. Thomas Mazur reported that Eastown Road is considered an Urban Minor Arterial according to the Federal Functional Classification System. This portion of Eastown Road is currently experiencing approximately 13,046 ADT with 1% truck traffic. Eastown Road is identified as a Class III roadway and is subject to the conditions of the Allen County Access Management Regulations. Municipal water and sanitary sewer services are available along Eastown. The parcel is located within the boundaries of ACRTA Zone 1. The current land use of the parcels is residential. The depicted 100-year floodplain is along Dug Run within 100'-200' of the parcels; as identified in the FEMA-FIRM panel map number 390758-0102B; Zone X. No wetlands are identified by the USDA; no archaeological/historical sites were identified. Thomas Mazur reported that American Township adopted a Comprehensive Plan in January of 2009 and the Plan addressed this location as being a mixed-use development district; this classification allows for a wider array of uses supporting higher densities and high dollar development. Thomas Mazur reported no site plan, survey or Traffic Impact Analysis was submitted with the zoning amendment application. Thomas Mazur reported that staff is especially uncomfortable with this request without a site plan, joint parking agreements or mutual easements of access across the properties in place. John MacDonell asked what the zoning amendment request and rezoning was further down the Eastown Road corridor. Thomas Mazur responded that that particular request was for a used car lot; car lots and car washes are not high dollar investments unlike a medical facility. Thomas Mazur reported that based on the lack of a site plan, no access to the site and no specific reference for this type of business as a permitted use, staff recommends denial. Roy Hollenbacher asked if the legal ad in the Lima News was for this proposed business as the ad was vague. Thomas Mazur responded that he did not believe that it was as the ad stated it was for an Internet Cafe. An Internet Café is also not a permitted use according to the zoning and that type of request would also have to go to the Board of Zoning Appeals (BZA). Bruce Plumb stated that no matter how the Committee decides the requestor(s) can go to the BZA and then come back to the LACRPC again.

Motion 40 (11-09-10) DCC

Roy Hollenbacher made the motion to deny AM-02-10 based on staff recommendations and non compliance with the American Township Comprehensive Plan. Seconded by John MacDonell; motion carried.

Walter Rysz stated that there has been a motion and a second to deny the request to change the zoning classification and asked if this decision would preclude any other actions being taken. Thomas Mazur replied that the zoning would have to be redefined in the B-2 district to allow car washes within the district before the requestors could re-apply or it could be forwarded to the BZA. Bruce Plumb asked if there would be less of an impact if the motion on the floor was defeated and there was another motion that was passed to table the request until the request is clarified and/or resubmitted. Thomas Mazur replied that according to the Ohio Revised Code, the townships must submit the request(s) to the LACRPC and the LACRPC must submit a technical, non-binding recommendation back to the requesting township. Dan Reiff stated that the recommendation is a statement for the township(s) to take a closer look at the request(s). Roy Hollenbacher stated that the township zoning committees look to the LACRPC for guidance.

5. REVIEW BATH TOWNSHIP ZONING AMENDMENT (BA-02-10)

Thomas Mazur reported that the requested rezoning is for a parcel located in Bath Township at the intersection of Dixie Highway and Ada Road. The current parcel is 4.502 acres and zoned MHP or Mobile Home Park. The applicant seeks approval to change their zoning to a B-2 for the purposes of establishing a millwright and welding business. Thomas Mazur reported that Dixie Highway is considered an Urban Collector and Ada Road is considered an Urban Minor Arterial according to the Federal Functional Classification System. Dixie Highway is experiencing approximately 3,572 ADT with 1% truck traffic. Ada Road has 5,932 ADT with 1% truck traffic. Dixie Highway is identified as a Class III roadway and is subject to the conditions of the Allen County Access Management Regulations. Ada Road or SR 81 is subject to the conditions of ODOT Access Management Regulations. Thomas Mazur reported that municipal water and sanitary sewer services are available along both roadways. The parcel is located within the boundaries of ACRTA Zone 1. The current land use of the parcel is residential. There is no evidence of the depicted 100-year floodplain and the FEMA-FIRM panel number is 390758-007B; Zone X. No wetlands are identified by the USDA; no archaeological/historical sites were identified. Thomas Mazur reported that the Bath Township Comprehensive Plan identified this location as being of high-density residential. Bath Township does not specifically address a millwright or welding use in its zoning. Bruce Plumb asked if there was already a business located on the parcel. Roy Hollenbacher replied that it had been a trailer park and there is a CenturyLink switching station located at the rear of the parcel. Thomas Mazur reported that Map 26 of the Bath Township Comprehensive Plan identified the parcel as a vacant, commercial, under-utilized parcel. The property does need to be re-developed and the question is whether this use is appropriate and fits with the Townships existing zoning. Thomas Mazur reported that the parcel is identified in the Bath Township Comprehensive Plan as a mobile home park. Thomas Mazur reported that no site plan, dimensional drawings or Traffic Impact Study were submitted with the Zoning Amendment request. Roy Hollenbacher stated that the Bath Township Zoning Inspector reviews the zoning text and has some latitude to make decisions. Thomas Mazur responded that the best way to truly define the permitted uses is to use the NAICS codes for businesses; Richland Township added NAICS codes in one section of its zoning text. NAICS codes are very specific. Thomas Mazur reported that staff recommends denial based on the applicant proposed use being unsupported in the zoning resolution. Staff also recommends updating the Bath Township Comprehensive Plan approved in 2005 to better reflect current land use issues.

Motion 41 (11-09-10) DCC

John MacDonell made the motion to deny BA-02-10 based on staff recommendation and the inconsistency of the proposed land use with the Bath Township Comprehensive Plan. Seconded by Howard Violet; motion carried with one (1) abstention (Roy Hollenbacher).

6. OTHER

None.

7. ADJOURNMENT

Motion 42 (11-09-10) DCC

Roy Hollenbacher made the motion that the meeting be adjourned. Seconded by Walter Rysz; motion carried.