

## DEVELOPMENTAL CONTROLS COMMITTEE

March 30, 2010

There was a meeting of the **Developmental Controls Committee** of the Lima-Allen County Regional Planning Commission held on **Tuesday, March 30, 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 – March 16, 2010
4. Review Richland Township Zoning Amendment (RI-02-10)
5. Review American Township Zoning Amendment (AM-01-10)
6. Stormwater Management, Erosion & Sediment Control Regulations & Specifications
7. Other
8. Adjournment

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

### 1. **ROLL CALL**

Mr. Jerry Brooks	Richland Township
Mr. Norman Capps	Perry Township
Mr. Lloyd Grimm	American Township
Mr. John MacDonell	City of Lima
Mr. Bruce Plumb	City of Lima
Mr. Jesse Sadiua	City of Lima
Mr. Mike Stout	Auglaize Township
Mr. Troy Strayer	Village of Elida

### **GUESTS**

Mr. Douglass Degen	Allen County Engineer's Office
Mr. Ron Meyer	Allen County Engineer's Office
Mr. Mike Zimmerly	Richland Township

### **STAFF**

Mr. James Greer	Lima-Allen County Regional Planning Commission
Ms. Lisa Steffen	Lima-Allen County Regional Planning Commission

### 2. **APPROVAL OF AGENDA**

Bruce Plumb reported that a revised agenda had been distributed with the addition "Review American Township Zoning Amendment (AM-01-10)."

#### **Motion 12 (3-30-10) DCC**

Jerry Brooks made the motion that the revised agenda be approved. Seconded by Troy Strayer; motion carried.

**3. APPROVAL OF DCC MINUTES – March 16, 2010**

**Motion 13 (3-30-10) DCC**

John MacDonell made the motion that the DCC minutes of March 16, 2010 be approved. Seconded by Troy Strayer; motion carried.

**4. REVIEW RICHLAND TOWNSHIP ZONING AMENDMENT (RI-02-10)**

James Greer reported that the requested rezoning is for a property on Napoleon Road. James Greer reported that the petitioner seeks to rezone a parcel from M-2 General Manufacturing to R-1 Residential for the purpose of building a home. Acknowledging the Richland Township Comprehensive Plan, first adopted in 1995, and the history of the planning process therein, staff suggests several factors be considered in this latest zoning amendment petition. Currently, a half dozen residential homes exist along the eastern edge of Napoleon Road south of US 30. Property immediately across the road has access to a full complement of public utilities and has been platted as part of a residential golf course community (Village at Sugar Creek). James Greer reported that the frontage of the petitioners parcel offers the Township the ability to link the disparate parcels and acknowledge same under some protective zoning umbrella. Of concern is that the parcel is located in the immediate proximity of US 30 and IR 75 and that another prime piece of barren ground will be lost to future commercial/industrial development opportunities. Weighing the value of a property owner's immediate interest against potential future development that would serve to benefit the entire community is at best a difficult task. James Greer commented that it is difficult to tell a property owner that they cannot build a home on their land. James Greer reported that staff recommends denial of the petition based on spot zoning and non compliance with the Richland Township Comprehensive Plan. Staff also recommends that the Township modify its 2030 Comprehensive Plan to reflect the presence of existing low density residential units and the platted medium density parcel along Napoleon Road north to US 30 to reflect existing land use. James Greer reported that staff begrudgingly acknowledges the negative impact of additional housing on any future industrial development in the area and recommends that the Township rezone the frontage along Napoleon Road to a depth of 450 feet to R-1 Residential in order to protect future and current investments. This would allow the property owners in this area to build a home if they wish and still have an adequate buffer behind their residence in case Manufacturing would end up coming into the area. John MacDonell questioned if the buffering would be the responsibility of the industry that wished to develop in the area. Mike Zimmerly responded that according to the current Richland Township Zoning Resolution the buffering would be the responsibility of the industry if it abuts a residential district. Jerry Brooks questioned where industry would enter and exit if residential homes were along Napoleon Road. James Greer responded that the industry would have to purchase land to allow for ingress and egress to the property. Ron Meyer questioned if the 450 foot buffer would accomplish the goal of the petitioner in constructing his home. James Greer responded that staff did not ask because right now the petitioner is not allowed to build a house on the property based on the Richland Township Comprehensive Plan. James Greer commented that staff simply tried to come up with a solution that would not restrict ownership liberties. Jerry Brooks questioned the process the Township would have to go through to change the zoning of the properties. James Greer responded that the Township would have to follow the same procedure as an individual would, including notifying property owners, going through the DCC process and holding a public hearing.

**Motion 14 (3-30-10) DCC**

Jerry Brooks made the motion to deny RI-02-10 based on spot zoning and non compliance with the Richland Township Comprehensive Plan. Seconded by Troy Strayer; motion carried.

**4. REVIEW RICHLAND TOWNSHIP ZONING AMENDMENT (RI-02-10) (Continued)**

**Motion 15 (3-30-10) DCC**

Jerry Brooks made the motion to recommend that Richland Township modify its 2030 Comprehensive Plan to reflect the presence of existing low density residential units and the platted medium density parcel along Napoleon Road north to US 30 to reflect existing land use; it is also recommended that the Township rezone the frontage along Napoleon Road to R-1 Residential at a depth of 450 feet in order to protect future and current investments. Seconded by Mike Stout; motion carried.

**5. REVIEW AMERICAN TOWNSHIP ZONING AMENDMENT (AM-01-10)**

James Greer reported that the subject parcels contain 28.76 acres located on Eastown Road at the shared boundary of American and Shawnee townships. Both parcels are currently zoned R-1 Residential. James Greer reported that the applicant seeks to change the zoning district designation to B-1 Local Business District for the purpose of developing a small business park. All land use at this location is currently identified as residential. James Greer reported that staff did not receive a site plan, construction plan, or traffic impact study. James Greer reported that the portion of Eastown Road set up for commercial development is just north of the location being proposed for rezoning. The American Township Comprehensive Plan identifies the property as low density residential activity. The properties being proposed for rezoning are currently landlocked except for one dead end access road and would require curb cuts into the newly constructed boulevard. James Greer reported that the site drains into the Allentown sub-watershed of the impaired Ottawa River. There is no evidence of the 100 year floodplain as depicted on FEMA-FIRM panel number 390758 0105 B, and is considered Zone X. No wetlands are identified as being located on the parcel; nor are there any archaeological sites depicted at this location. James Greer reported that Eastown Road is considered Urban Minor Arterial by the Federal Functional Classification System. The parcels are located 200 feet from the Eastown/Mackley intersection and 750 feet from the Springview/Eastown intersection. This portion of Eastown is currently experiencing approximately 9,300 ADT. LOS on this portion of Eastown has yet to be determined. Eastown Road is identified as being under Access Management. The intersection at Eastown and Elm is not identified as a high crash intersection. James Greer reported that the parcels have access to sewer service from the Allen County Sanitary Engineers Office. Public water is made available through the City of Lima Distribution System. The parcels are a little over one-quarter mile from the ACRTA fixed route, and have paratransit service through Uplift's Zone 1. James Greer reported that staff recommends denial based on the conflict with the American Township Comprehensive Plan.

John MacDonell questioned if there had been previous requests for rezoning along the portion of Eastown Road in question that had been denied. James Greer responded that there have already been requests for rezonings in the area that would have required curb cuts; the Board recommended denial. James Greer commented that the American Township Comprehensive Plan identified where they wanted commercial activity located and ODOT and the County spent money to improve the roadway to support commercial activity to the north. James Greer commented that commercial activity would generate a much higher traffic volume than the current residential use and would increase the danger for the residents. Jesse Sadiua questioned if the portion of Eastown Road in question was constructed specifically for residential use. James Greer responded that it was constructed to carry traffic through to SR 117 and take pressure off of Cable Road. Jesse Sadiua questioned how many lanes there were. Bruce Plumb responded that it was a four lane thoroughfare with a boulevard, permitted u-turns and several left turn lanes. Ron Meyer commented that it is designed as other portions of Eastown Road but is intended for pass through traffic. Jesse Sadiua commented that if the roadway is designed for residential use

**5. REVIEW AMERICAN TOWNSHIP ZONING AMENDMENT (AM-01-10) (Continued)**

then it should be narrowing down. Bruce Plumb commented that it was designed to get traffic from SR 117 around Cable Road to the Lima Mall. Jesse Sadiua commented that it is designed for heavier levels of traffic than just residential. James Greer commented that the boulevard design was used to enhance the residential appeal.

**Motion 16 (3-30-10) DCC**

Jesse Sadiua made the motion to deny AM-01-10 based on the inconsistency of the proposed land use with the American Township Comprehensive Plan. Seconded by John MacDonell; motion carried.

**6. STORMWATER MANAGEMENT, EROSION & SEDIMENT CONTROL REGULATIONS & SPECIFICATIONS**

Douglass Degen provided Committee members with a Draft copy of the Allen County Stormwater Management, Erosion and Sedimentation Control Regulations & Specifications. Douglass Degen reported that Stormwater Management and Sediment Control Regulations were adopted in 2001 putting Allen County ahead of the curve of the Phase II Stormwater Program. However, the Ohio EPA created a mandate requiring Allen County to abide by construction practices and erosion control practices. Douglass Degen commented that they saw a lot of problems with single family residential developments and large residential, industrial or commercial developments impacting existing drainage systems. Douglass Degen reported that the Allen County Engineer's Office was more in the loop because they manage the petition ditch drainage improvement process for the Allen County Commissioners; therefore, they were able to witness the negative impacts. Douglass Degen reported that there should be a mechanism in place so that if a developer wants to redevelop or change a land use and it negatively impacts other parcels there is some assistance for the developer. Douglass Degen reported that the primary purpose of the 2001 Stormwater Management and Sediment Control Regulations was to look at the quantity of the water being discharged off the site. Erosion control was also addressed by the 2001 Regulations. Douglass Degen reported that for the last five years he has been working on the new Regulations off and on, but never had the time to finish them completely. Allen County entered into a contract with Woolpert which is the same company that does the aerial photography for Allen County. Woolpert has a stormwater department in Columbus which does a lot with site design and they are very good at developing documents like the new Stormwater Regulations. Douglass Degen reported that the Regional Planning Commission, Allen County Health Department, Allen County Sanitary Engineer's Office and the Allen County Soil & Water Conservation Office have been working together to develop a draft document. Douglass Degen reported that the DCC is the first group to see the complete draft document and he would like them to review the document and provide any comments that they may have. Douglass Degen reported that he would eventually like to have a public outreach with anyone who is interested. Douglass Degen reported that Allen County used to have two documents addressing what the new Draft Allen County Stormwater Management, Erosion and Sedimentation Control Regulations & Specifications now does. Douglass Degen reported that this document will be the leading document for all development and will work with the other regulations in place. The mission was to eliminate gaps and streamline the documents to work together. Douglass Degen reported that the document has been self supporting and any time spent on the document has come out of the developer's pockets in the form of permit fees. Douglass Degen reported that Allen County, the four surrounding townships, Village of Elida, and Village of Ft. Shawnee are in the Phase II Stormwater Program which mandated them to develop a set of regulations like the draft being presented. The villages of Spencerville, Beaverdam and Elida have since realized that it is easier having the Allen County Engineer's Office manage their Phase II

6. **STORMWATER MANAGEMENT, EROSION & SEDIMENT CONTROL REGULATIONS & SPECIFICATIONS** (Continued)

Stormwater Program. Douglass Degen reported that the EPA is mandating that any earth disturbing activity of one acre or greater must get a stormwater permit. This requires the Allen County Engineer's Office to take a look at every residential development that comes in to the County. The Allen County Engineer's Office does not want to create a burden on someone who wants to build a residence. However, they must understand that it is important to get their yard in as soon as possible and not create a hardship for their neighbors. Douglass Degen reported that the EPA anticipates these regulations to govern everything but farming practices. Douglass Degen commented that the EPA does believe that the farmers do contribute a lot to downstream sedimentation. Douglass Degen reported that the regulations applicability is still going to be managed by the drainage department of the Allen County Engineer's Office. What typically happens prior to getting a permit is a meeting with the interested resident and the Allen County Engineer's Office; during this meeting they go over all aspects of the project. Douglass Degen reported that the Regulations require a \$100 permit fee plus one percent of the construction cost of the drainage facilities estimate. Douglass Degen reported that some consultants will try to save their clients money by making the engineer's estimate much lower than it should be so their client will not have to pay as much in fees. In order to address this, there is going to be a cost per disturbed area created. Douglass Degen reported that one of the components of the Regulations is maintenance of stormwater facilities. This requires a new development to petition to the County Commissioners to be placed on the County maintenance program. Menards is a good example because they have a detention pond in the middle of their site that is maintained by them and only benefits them. There was also a storm sewer system that was relocated around Menards and goes into the detention pond heading west towards Lowe's which is County maintained. Therefore, Menards was required to petition to the County because it benefitted other property owners. They could have also decided to petition to put their other pond under maintenance at that time but they chose not to. Douglass Degen reported that whoever receives benefit pays a portion of the maintenance. Jerry Brooks questioned if there is a time stipulation that Menards cannot put the pond on County maintenance. Douglass Degen responded that there is no time stipulation. Douglass Degen reported that Appendix A provides various definitions. Douglass Degen requested that Committee members review the document and give any comments to Bruce Plumb for forwarding on to Regional Planning.

**Motion 17 (3-30-10) DCC**

Troy Strayer made the motion to accept for review the Allen County Stormwater Management, Erosion and Sedimentation Control Regulations & Specifications. Seconded by Norman Capps; motion carried.

7. **OTHER**

None.

8. **ADJOURNMENT**

**Motion 18 (3-30-10) DCC**

John MacDonell made the motion that the meeting be adjourned. Seconded by Jerry Brooks; motion carried.