



LIMA-ALLEN COUNTY REGIONAL PLANNING COMMISSION

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Executive Director

TO: DEVELOPMENTAL CONTROLS COMMITTEE
Mr. Randy Ackerman Mr. Paul Basinger
Mr. Brad Baxter Mr. Steve Ewing
Mr. Jerry Gilden Mr. Bruce Plumb
Mr. Doug Post Mr. Walter Rysz

FROM: Mr. Kevin Cox, Chairman

DATE: December 31, 2019

RE: D C C Meeting

There will be a meeting of the **Developmental Controls Committee** of the Lima-Allen County Regional Planning Commission held on **Tuesday, January 7, 2020 at 3:00 p.m.** in the Conference Room of the Commission office located at 130 West North Street, Lima, Ohio.

The agenda will be as follows:

1. Roll Call
2. Approval of Agenda
3. Approval of DCC Minutes – November 26, 2019
4. Review Bath Township Zoning Petition (BA-01-20)
5. Review Bath Township Zoning Petition (BA-02-20)
6. Status Update: Mounding
7. Other
8. Adjournment

cc: Mr. Ken Meyer, Bath Township Zoning Inspector
Mr. Scott Campbell, Bath Township Zoning Commission Clerk
Mr. William Degen, Bath Township Trustee
Mr. Brad Baxter, Bath Township Trustee
Mr. Robert Sielschott, Bath Township Trustee

NOTE: Please call the Commission office and confirm whether or not you will attend.

DEVELOPMENTAL CONTROLS COMMITTEE

January 7, 2020

There was a meeting of the **Developmental Controls Committee** of the Lima-Allen County Regional Planning Commission held on **Tuesday, January 7, 2020** 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 – November 26, 2019
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- 6. Status Update: Mounding
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- 8. Adjournment

A quorum being present, Kevin Cox brought the meeting to order and proceeded with the agenda.

1. ROLL CALL

Mr. Randy Ackerman	Jackson Township
Mr. Brad Baxter	Bath Township
Mr. Kevin Cox	Perry Township
Mr. Steve Ewing	Auglaize Township
Mr. Jerry Gilden	Marion Township
Mr. Bruce Plumb	City of Lima
Mr. Doug Post	Amanda Township
Mr. Walter Rysz	Richland Township

GUESTS

Ms. Ruth Hollenbacher	Lost Creek Neighborhood Resident
Mr. Ken Meyer	Bath Township

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 (1-7-20) DCC

Doug Post made the motion that the agenda be approved. Seconded by Randy Ackerman; motion carried.

3. APPROVAL OF DCC MINUTES – NOVEMBER 26, 2019

Motion 2 (1-7-20) DCC

Walter Rysz made the motion that the DCC minutes of November 26, 2019 be approved. Seconded by Doug Post; motion carried.

4. REVIEW BATH TOWNSHIP ZONING PETITION (BA-01-20 & BA-02-20)

Thomas Mazur reported that addressing the proposed BA-01-20 and BA-02-20 were separated into two rezoning requests for administrative purposes with BA-01-20 being text amendments to Articles 6 and 32 and BA-02-20 map amendments. Thomas Mazur reported that an overlay district is being proposed. Thomas Mazur reported that the petition identifies some 70 platted lots containing roughly 22 acres along 4,100 linear feet of SR 309 which is classified as a principle arterial, currently serving 26,000 vehicles per day. The area in question has access to a full complement of utility services. There are no floodplains or other environmentally sensitive areas in the proposed zoning map amendment. Thomas Mazur reported that there is a mix of residential, commercial, quasi-public uses in the petitioned district.

Thomas Mazur reported that in 1997, the Ohio Revised Code was amended to integrate new language for Planned Unit Developments (PUDs). Thomas Mazur reported that currently, 519.021(A) of the Ohio Revised Code allows Bath Township Trustees to establish or modify planned-unit developments (PUDs). PUD regulations shall apply to property only at the election of the property owner and shall include standards to be used by the board of township trustees or, if the board so chooses, by the township zoning commission, in determining whether to approve or disapprove any proposed development within a PUD. The PUD shall further the purpose of promoting the general public welfare, encouraging the efficient use of land and resources, promoting greater efficiency in providing public and utility services, and encouraging innovation in the planning and building of all types of development. Within a PUD, the township zoning regulations, where applicable, need not be uniform, but may vary in order to accommodate unified development and to promote the public health, safety, morals, and the other purposes of this section. Thomas Mazur reported that PUDS may be included in the township zoning resolution under one of the following procedures:

- A. The board of township trustees may adopt planned-unit development regulations that do not automatically apply to any property in the township, but establish standards that will apply to property that becomes part of a planned-unit development as provided in this division. Property owners who wish to have planned-unit development regulations apply to their property may apply to have the zoning map amended pursuant to section [519.12](#) of the Revised Code to rezone their property as a planned-unit development and no longer subject to any previously applicable zoning regulations. Once property has been rezoned as a planned-unit development, subsequent development on that property shall comply with the planned-unit development regulations as determined by the board of township trustees or township zoning commission, as applicable.
- B. Upon the application of property owners, the board of township trustees may establish a planned-unit development for their property, designating the property as a planned-unit development on the zoning map in accordance with the procedures set forth in section 519.12 of the Revised Code, and simultaneously adopting regulations as part of that same procedure that will apply only to that planned-unit development. Within that development, property is subject to the planned-unit development regulations and not to any other zoning regulations. Compliance with the planned-unit development regulations shall be determined by the board of township trustees or township zoning commission, as applicable. After the designation of the property as a planned-unit development on the zoning map and the simultaneous adoption of regulations that will apply only to that planned-unit development.
- C. Pursuant to section [519.12](#) of the Revised Code, the board of township trustees may adopt planned-unit development regulations and amend the zoning map to rezone

4. REVIEW BATH TOWNSHIP ZONING PETITION (BA-01-20 & BA-02-20) (Continued)

property as planned-unit developments. Any other zoning regulations and zoning district that exist at the time a planned-unit development district is established under this division continue to apply within the planned-unit development district unless the board or the township zoning commission approves an application of an owner of property within the district to subject the owner's property to planned-unit development regulations under this division. Such an application shall be made in accordance with the planned-unit development regulations and shall include a development plan that complies with the planned-unit development regulations. Upon receiving such an application, the board of township trustees or township zoning commission, as applicable, shall determine whether the application and plan comply with the planned-unit development regulations.

Thomas Mazur reported that the petition specifically states that the proposal was prepared under 519.021(C). This approach is unique in that: (1) other zoning regulations and zoning districts that exist at the time the planned-unit development district is established continue to apply within the planned-unit development district unless the board of trustees or the township zoning commission approve an application of a property owner within the district are subject to the planned-unit development regulations under this division; (2) the township (either the board of township trustees or township zoning commission, as applicable) upon receiving such an application from the property owner shall determine whether the application and plan comply with the planned-unit development regulations; and, (3) approval of the application shall cause the zoning map to be changed so that any other zoning district that applied to the property that is the subject of the owner's application no longer applies to that property and the prior zoning district is removed from the zoning map.

Thomas Mazur reported that under all 3 methods of adoption the board's or commission's determination shall *not* be considered to be an amendment to a township zoning resolution for purposes of section [519.12](#) of the Revised Code, but may be appealed pursuant to Chapter 2506 of the Revised Code.

Thomas Mazur reported that the zoning amendment petition seeks to establish an overlay zoning district above the targeted area that will allow for property owners to pursue any current use identified as permitted in the existing underlying zoning district as well as those in the new PUD Overlay District. Thomas Mazur reported that this area has been determined by the Bath Township Trustees. Brad Baxter, Bath Township Trustee, reported that the Trustees established the line that they wanted the overlay district to apply to and also allowed any adjacent property owners to request to be included at their will and be added. Brad Baxter reported that there were 3 properties that were to the north of Makin Road that requested to be added to the overlay so they were added. Jerry Gilden questioned if all of the properties identified in the area to be included wanted to be in the overlay district. Brad Baxter responded that they did not all request to be in the overlay district but the Trustees established a line as the area being considered for the overlay. Brad Baxter reported that there were not very many properties that requested to be added to the overlay district. Thomas Mazur commented that the properties being proposed for the overlay district vary in depth from 170 feet between Belmont and Lost Creek up to as much as 470 feet between Eastern and Willard.

Thomas Mazur commented that in affect the zoning amendment petition seeks to establish an overlay zoning district above the targeted area that will allow for property owners to pursue any current commercial or residential use permitted in the existing zoning district designation and any new use in the proposed overlay district. Thomas Mazur commented that the proposal works to remove issues resulting from nonconforming uses,

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nonconforming lots of record and nonconforming uses and lots in combination within the overlay.

Thomas Mazur reported that the proposal does not identify lot or yard requirements, akin to zero lot line developments, often found in condominium developments and mixed-use PUDs. The proposal does identify a list of permitted and prohibited uses that may be integrated within the proposed Overlay District. The proposal has some general design standards but provides many of these as suggestive rather than prescriptive to be approved at the discretion of the township trustees or the zoning commission. The contents of the proposed Overlay District attempt to provide maximum flexibility and address stormwater, floodplain, and access management regulations to lesser extents. Further clarifications may be required by other review agencies. Thomas Mazur commented that it is thought that the proposal has the potential to expedite the review process and result in a time savings of roughly 25 percent over the current PUD regulations depending on the phase and familiarity.

Thomas Mazur reported that the proposal used North American Industrial Classification System (NAICS) codes which are a code number going from 2-6 digits identifying the type of business. Brad Baxter commented that the NAICS codes are an industry standard in regards to type of business.

Thomas Mazur reported that staff questions and suggests several references in the proposed text warrant attention including:

Section 32.0: Purpose. As outlined, staff finds the text complies with the stated intent of 519.021. Bullets 1-8 echo concerns raised in the current PUD standards identified in Article 18 for PUDs but are not prescriptive; rather - they are suggestive.

Section 32.1: Overlay Area Established. The approach eliminates complications arising from a nonconforming use, nonconforming structure, and a nonconforming use & structure in combination by allowing the underlying zoning to exist.

Section 32.2: Permitted Uses. Staff supports the use of NAICS codes. Staff suggests that some NAICS descriptions be considered for amendment to reflect specific concerns:

- **NAICS 4413** – exclude stores engaged in the retailing of used or rebuilt automotive parts, accessories and tires.
- **NAICS 442** – exclude stores engaged in retailing used furniture and home furnishings.
- **NAICS 443** – exclude stores engaged in retailing used electronics and appliances as well as those stores engaged in the maintenance and repair of electronics and/or appliances without retailing new products.
- **NAICS 445** – exclude the sale of motor vehicle fuels from convenience stores or food marts.
- **NAICS 446** – exclude ear piercing services, steam or turkish baths, tanning salons massage parlors, tattoo parlors, permanent makeup salons and non-medical hair replacement or weaving services associated with NAICS 812199.
- **NAICS 448** – exclude stores engaged in retailing used clothes without new, the sale of new clothing products and alteration services.
- **NAICS 452** – this code reflects department stores, warehouse clubs and superstores. Such economic activities would not be an appropriate fit in the district as described based on acreage, parking, run-off, lighting, etc. unless floorspace limitations were established to minimize negative impacts.

4. REVIEW BATH TOWNSHIP ZONING PETITION (BA-01-20 & BA-02-20) (Continued)

- **NAICS 453** – exclude stores engaged in retailing used products; consider excluding tobacco stores (453991) for the same reason one would prohibit beer, wine and liquor stores.
- **NAICS 512131** – this code reflects motion picture theatres. Traditional cinemas located in the Lima Mall and American Mall require would not be an appropriate fit in the district as described based on acreage, parking, run-off, lighting, etc. If small venue theatres – foreign, exotic, adult films were permitted the result could also become problematic. Staff suggests the economic activity is inappropriate for the district being proposed and be excluded. This is not to be confused with NAICS 71111- Dinner Theatres.
- **NAICS 53211** – this code reflects automotive equipment rental and leasing including cars, trucks, trailers, etc. There is often considerable crossover between leasing and financing of such equipment. Such facilities generate little investment, very limited employment and tend to have a blighting influence. Staff suggests this activity as inappropriate for the district for the same reason as the sale of automobiles, trucks trailers are excluded - see proposed section 32.3.5 on page 4.
- **NAICS 5322** – this sector is large and varied, given the districts geographic location, size of lots, and potential impacts on the surrounding neighborhood staff recommend that one consider limiting consumer good rentals to 53222 - Formal Wear & Costume Rental, and 532291 Home Health Care.
- **NAICS 71111** – this activity exists to meet a wide variety of live cultural and entertainment interests. There is often considerable crossover between nightclubs, other adult entertainment and theatre companies. Staff suggests that this activity would not be appropriate in the district given its location and should be excluded based on the same rationale that beer, wine and liquor stores are prohibited.
- **NAICS 71112** – ditto.
- **NAICS 722** – consider excluding 722330 mobile food services.
- **NAICS 812** – permits a wide array of personal care services from barber shops and beauty salons to appearance altering services including tattoo, painting and piercing services; there is a wide crossover of services with NAICS 446. Strong consideration must be given to such economic activities as permitted and sought-after services in the district based on the same rationale as medical marijuana dispensaries are restricted.

Section 32.3: Prohibited Uses. Staff recommends that NAICS codes be integrated into the text for consistency purposes. For consistency purposes staff recommends that references to the outdoor storage of vehicles (section 32.3.2) be eliminated or revised to reflect that no motor vehicle sales (new/used) are permitted within the district. Staff also recommends any truck or trailer bearing advertising for a business or service be allowed to be parked for an extremely limited amount of at the same locations in order to eliminate their use as a defacto bulletin board.

Section 32.4.4: Board of Trustees Action. Staff is somewhat concerned that all references within the zoning parameters of the section 519 the ORC use a notification period of no more than 20 to 40 days. Reference herein is at 45 days and as such is questioned.

Section 32.4.3.26: Divergence. The text uses the term divergence rather than the more typical terms – “variance” or “exception”. The term was not found in Section 519 of the ORC and is not included in the definition section of the Township Zoning Resolution.

Section 32.5.2: Setback and Yard Requirements. Recognizing that each PUD submission is unique, and given the limited size and character of the SR 309 PCOD, staff recommends removing the reference to “commercial park and campus like settings” contained in the last sentence.

4. **REVIEW BATH TOWNSHIP ZONING PETITION (BA-01-20 & BA-02-20)** (Continued)

Section 32.5.5: Building Size. Recognizing that each PUD submission is unique, and given the limited size and character of the SR 309 PCOD, staff recommends removing/revising or quantifying the references to building size and proximity to roadway and land use type.

Section 32.5.10: Parking and Loading Areas. Staff is not aware that the Township issues a certificate of occupancy.

Section 32.5.12: Floodplains and Environmentally Sensitive Areas. Recognizing that each PUD submission is unique, and given the location and character of the SR 309 PCOD, staff recommends eliminating the reference as such areas as absent from the district as presented.

Section 32.6.3.1: Frontage. County Subdivision Regulations do not recognize private roads. All lots are required to have frontage on a publicly dedicated roadway. Design specifications for public roads will need to be coordinated with local Subdivision and Access Management regulations. Also eliminate the second period at the end of subsection.

Section 32.6.3.4: Right-of-Way Setback. Consider amending text to read “**Along** All road frontage shall... structure, sign or **any** other thing shall be...”

Section 32.6.4.1: Lot Coverage. consider using lower case when referencing “I”mpervious “S”urfaces.

Section 32.6.1: Tract Size. The term “tract” is not defined.

Section 32.6.3.3: Minimum per Yard per Tract. Again, the term tract is not defined. Recognizing that each PUD submission is unique, and given the location and character of the SR 309 PCOD, staff recommends eliminating the reference to “open storage, processing and servicing areas” as the mix of economic activities will not require such.

Section 32.6.5.2: Materials. Staff concurs with the recommended edits already **highlighted**.

Section 32.6.7: Signage. Consideration of road rights-of-way and sight distance triangles at drives should be addressed.

Section 32.6.5.6: Drive In/Drive Thru Features. revise text to reflect “awning”s” in 5th line.

Section 32.6.8: Landscaping. revise text to use lower case for “O”pen “S”pace in 1st line.

Section 32.6.8.2 Residential District Screening. delete period between the word “concrete” and “materials” in last line.

Section 32.6.13: Stormwater Basins. Bath Township is part of the Lima Urbanized Area and subject to water quality issues. These standards herein reflect BMPs and exceed local standards. Moreover, based on the site and situation – and proposed standards they would be extremely restrictive and expensive. Staff recommends the reference be deleted.

Section 32.6.14: Supplemental Conditions and Safeguards. revise text to use lower case for “O”pen “S”pace in 4th line.

General Comments. The use of the term “tract” vs “lot” vs “plat” and the probable need for “phases” should be further refined given the implications to the size and character of the

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envisioned development plan, and specific design requirements including open space, lot coverage, parking requirements, and drainage detention areas.

Jerry Gilden questioned if the proposed text only applies to the area identified in this petition. Thomas Mazur responded that that is correct. Jerry Gilden further questioned if another PUD is wanted in another area if additional text must be developed for that area. Thomas Mazur responded in the affirmative. Jerry Gilden questioned if this wouldn't complicate the regulations even more? Thomas Mazur responded that it is complicated but it allows the Township to repurpose or reuse older sections of development that have different lot widths, depths, restrictions, uses and economic values.

Doug Post questioned who applied for the rezoning. Thomas Mazur responded the Township Trustees. Doug Post questioned if this would affect the property values. Thomas Mazur responded that the property values are not affected by zoning. Thomas Mazur reported that property values change when the use changes. Doug Post questioned if this rezoning request was started by the previous rezoning that was heard by the DCC from a gentleman from Columbus requesting a rezoning for a Chipotle along the SR 309 corridor. Brad Baxter responded that is not what started it but it is part of the puzzle. Brad Baxter commented that they are trying to make it so the property along SR 309 is attractive to investors who want to come in and put developments in. Brad Baxter commented that they as trustees want to do it in a responsible way in which they are trying to make sure that they are not going to allow someone to come in and do whatever they want on a piece of property simply because they own it; they want to make sure the development is suitable and nice for the area. Doug Post questioned if there was any opposition to this proposal from residents in the Lost Creek neighborhood or Township. Brad Baxter responded that there has been opposition. Brad Baxter commented that they are not changing the aspect of the corridor, they are trying to put together a plan so that potential investors can see what they are up against when they are trying to develop in Bath Township. Brad Baxter commented that potential investors still have to meet requirements such as conducting a traffic study and making sure they have proper egress and ingress. Doug Post questioned if that will affect this zoning district. Brad Baxter responded that it absolutely will and these are things that the potential investor will have to take on and they will not be handled by the Township. The Township is trying to outline uses that will be allowed and is not curbing any of the requirements that must be met by the investors.

Jerry Gilden questioned if there were any plans for an access road as this proposal reminds him of Elida Road and American Avenue and sees access as a possible issue down the road. Thomas Mazur commented that there is no room for an access street and an example would be the three properties on Makin, if those were turned into an accountant's office or something similar they wouldn't really generate that much traffic. Ruth Hollenbacher commented that Speedway is already planning on buying the three properties on Makin and she doesn't want people to be misled. Thomas Mazur responded that he was just using it as an example and different uses generate different amounts of traffic and some uses generate very little traffic. Thomas Mazur commented that your average single family household generates ten trips per day. Thomas Mazur commented that the difference between this and Elida Road and American Avenue is the state and local politicians didn't have the nerve to put the median barrier in; the median barrier is already in place in this instance. Thomas Mazur commented that the difference between this PUD and the PUD the Township already has is that the Trustees will run the show on this and they have already come up with specific and prohibitive uses and have defined the area they want to include with a somewhat expedited process. Thomas Mazur commented that design standards are laid out in the PUD with the exception of sidewalks, which could be viewed as a missing component

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when you are trying to develop in a residential area and cultivate a local clientele and they have to drive to get there. Doug Post commented that there wasn't much room for sidewalks there. Thomas Mazur responded that it would depend on how it was done. Kevin Cox questioned if someone bought multiple properties if they could develop them. Brad Baxter commented that only the property owners can approach the Township. Doug Post questioned if more properties could be added to the overlay district at a later time. Brad Baxter responded that only the area in which the Township has the overlay is what it can apply to. Kevin Cox questioned if all of the properties would have access to SR 309. Brad Baxter responded that the state would determine the access to the properties, not the Township. Doug Post questioned if a developer bought ten lots in the front they could have them rezoned because they were the owner. Thomas Mazur responded that they could change the use by filing an application and not have to get the property rezoned because of the overlay district, which expedites the process. Walter Rysz commented that the property is rezoned if something like that happens. Thomas Mazur commented that this is correct but they do meet the ORC. Thomas Mazur commented that the specificity that we have in the current zoning regulations does not exist in the overlay. Kevin Cox questioned how it is fixed then after the fact. Walter Rysz commented that you don't; once it's done it's done. Walter Rysz commented that once the Trustees approve something - it's done. Doug Post commented that you could be the only property owner left with a house if you didn't want to sell. Kevin Cox questioned if there is a design for a retention pond of some sort. Thomas Mazur responded that all of that will go through the Stormwater Management and Sediment Control Regulations. Thomas Mazur commented that the overlay district takes some of the 75-90 day delay out of the re-zoning process. Jerry Gilden questioned if that is true of any PUD or just because it is being petitioned by the Township. Thomas Mazur responded that they are following the regulations under 519.01(C) which is one of the three options the township has. Thomas Mazur commented that once the Zoning Commission approves the language and geographic boundaries of the overlay zone, the decision rests with the township trustees. Kevin Cox commented that in his opinion there should be some sort of imaginary line where there would be a buffer or wall of some sort. Brad Baxter commented that a six foot concrete wall is specified as the buffer in the language. Kevin Cox commented that he can't see the State of Ohio giving access to all of the properties along the area identified. Thomas Mazur commented that lots will start collapsing and properties will be given right in and right out access.

Thomas Mazur commented that one of the issues that he has and is not comfortable with is the use of terms interchangeably such as parcel, tract, area, lot, etc. Thomas Mazur commented that he would like to see this PUD done in phases. A PUD is a blend between an overlay district, zoning and subdivision regulations. Walter Rysz commented that subdivisions come in in phases with a final design in mind; is there a final design for this area in question. Thomas Mazur responded that all they are doing in this process is establishing the text and the boundaries. The development plan isn't defined. Brad Baxter commented that the design coming from the developers with the Township approving the design that is brought forward. Thomas Mazur commented that the Township references that there should be a likeness or synergy along the corridor which will be hard to achieve if there are 70 different designs. Thomas Mazur commented that there should be some kind of standard that force these development to mesh. Brad Baxter commented that the standards are basically the township trying to establish the basic appearance of the properties requiring so much vegetation, space between businesses, etc. Thomas Mazur commented that the space between the businesses was not established; he read it as zero lot line development. Thomas Mazur commented that it is flexible to what the developer wants. Brad Baxter responded that they had to make it flexible due to the size of the properties. Kevin Cox commented that fire codes would be an issue. Brad Baxter responded that a lot

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of those things are what is going to dictate what can go on a property. Doug Post questioned if the township was going to take into consideration the property owners that live back there currently and if they are all against it if the Township is going to vote for or against it. Brad Baxter responded that the township is trying to put a plan together that the public can all see. Doug Post questioned if the townships is going to vote for or against what the property owners want. Brad Baxter responded that they are going to go according to what the township wants; if it goes to referendum that is who is going to dictate it not the Township. Doug Post commented that right now the township is going to dictate it. Brad Baxter responded that right now they are trying to do what many of the townships are struggling with and that is trying to bring some purpose to land that they have been struggling with and bring some synergy and positive things. Brad Baxter commented that if you are familiar with this property in question may of the properties are sitting vacant, empty, rented and people are not putting any interest into wanting to build it back up because they are waiting for something like this to happen. Steve Ewing commented that he knows of people that have bought houses in this area and that's the reason they bought them. Brad Baxter responded "exactly." Brad Baxter commented that eventually these properties become a blight and the township is trying to get some momentum. Brad Baxter commented that he is by no means going to say that this is not going to negatively impact some people in the Lost Creek area; that's a given. Brad Baxter commented that his goal is to do it as minimal as possible and make this an area that more people can use rather than looking at empty properties. Doug Post commented that he is against spot zoning and that the DCC has recommended against spot zoning in Amanda Township but has been voted against 2-1 and now there is spot zoning here and there. Doug Post commented that the DCC has no authority to change Bath Township Trustees mind and is just a recommending body and the trustees are going to do what they want. Brad Baxter commented that what they are looking for today is if there are some things they can massage and make better the whole idea here is to make it better for everyone. It may have a negative affect for some but for many what can this do for Bath Township. The township is trying to do this in a way that is positive and public. Brad Baxter commented that the township has not been hiding what they are trying to do and from day one since he and Bob Sielschott have been elected they have indicated this was one of their goals to bring some development into the township. Kevin Cox commented that whether it's in five years or ten years that corridor is going to develop, but it depends on how it is going to be developed. Brad Baxter commented that they are not experts in that area and to do it responsibly they felt they needed to get subject matter experts involved. The Township has been careful about putting the right team together to help them do this in way that the improvements can be done successfully. Brad Baxter commented that there may be some things that are designed a little more for other areas than Allen County, they can look at those things and make some changes. Doug Post questioned if Lima has anything similar. Thomas Mazur responded that they do not. Brad Baxter commented that he believes these regulations may be a tool that some of the other townships might find valuable for some of their challenges. Jerry Gilden questioned if once you are in the PUD if you can get out of it, such as a developer who purchased some of the properties and then decides they don't want to abide by it. Brad Baxter responded that you cannot and this is spelled out in the regulations. If an individual doesn't want to abide by the regulations, they should not purchase the property(ies). Doug Post commented that he understands that some of the properties along the corridor may be considered blight but you hate to put businesses in front of the homeowners who have nice homes. Brad Baxter responded that the blight tends to grow and eventually could get deeper into the neighborhood, which is what they are trying to avoid. Kevin Cox commented that he believes the Township has a good plan but there should be more thinking done on the whole process.

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Ruth Hollenbacher, Lost Creek neighborhood resident, commented that the overlay district takes up about a third of Lost Creek and is a big chunk of land. Ruth Hollenbacher commented that the Township spent about \$10,000 to have a Columbus firm develop this and what they have done is legal but it's not ethical or moral. Ruth Hollenbacher commented that at one time the Township talked about it would never go past the alley or Willard and now it's going back further. Ruth Hollenbacher commented that at one time it was the recommendation of the DCC that it would never be anything but PBO; why is it not PBO now? Ruth Hollenbacher commented that several properties have been added to the overlay district. Brad Baxter responded that those were the properties that requested to be added. Ruth Hollenbacher commented that when she spoke to him a few months ago they were not in and have been added since. Ruth Hollenbacher commented that the overlay doesn't include Country Club Hills and is strictly targeting the Lost Creek area. Ruth Hollenbacher commented that with the golf course possibly coming up with 308 apartments and 104 houses and now this overlay; we all live where we can. Lost Creek is a nice neighborhood and houses are selling for between \$100,000 to \$150,000. Ruth Hollenbacher commented that those in the neighborhood have invested a lot and have a nice neighborhood and taking the front off is not good. Ruth Hollenbacher commented that there are plenty of properties available further down SR 309 on the Bath Township side. This is simply targeting Lost Creek. Ruth Hollenbacher commented that it may be legal but it isn't ethical or moral.

Thomas Mazur commented that there is a lot of traffic along that corridor and he doesn't expect the residential uses along the front to continue; there has been a process of disinvestment for awhile now. Ruth Hollenbacher questioned if 24/7 restaurants are included in the uses allowed. Brad Baxter responded that he doesn't believe so. Brad Baxter commented that he voiced his opinion in not allowing gas stations, convenience stores, etc., because he didn't want that going on all hours of the night. Brad Baxter commented that they tried to be sensitive to the fact that it is up against a residential area, such as making sure that lighting is installed in a way that doesn't affect residents as much, that trash pickup can only be done at certain times of the day, etc. Elements like that were important to the Township in making this a feasible and viable option and keeping the residents in mind.

Thomas Mazur reported that staff recommends approval of the proposed text amendment to Article 6: Districts Established Amended to Reflect the SR 309 Planned Corridor Overlay District (PCOD). Thomas Mazur reported that staff recommends conditional approval of the language proposed in Article 32: SR 309 PCOD after consideration of some potential oversights including: exceptions to certain permitted uses in certain NAICS codes; suggesting more specificity with respect to when licensed engineers, surveyors, architects and landscape architects were required to prepare and submit plan elements; requesting more clarity as to what and when the terms area, parcel, tract and district were applicable as they were not defined in the zoning resolution and used interchangeably; and, given the likely intermittent development along the corridor within the District that certain system components including drainage, cross easement access, pedestrian access, parking, etc., be examined on an area or phased basis akin to phases in a traditional subdivision development rather than on a lot by lot basis. Corrections to certain typographical mistakes were also noted. Thomas Mazur reported that staff recommends approval of the zoning map amendment and that the Zoning Commission's efforts recently undertaken to develop the language contained in the text amendments presented as Article 32 be acknowledged and that the Bath Township 2040 Comprehensive Plan be modified to reflect mixed use along the SR 309 corridor in order to support the existing public planning process and eliminate potential conflicts in the zoning map amendment process.

4. REVIEW BATH TOWNSHIP ZONING PETITION (BA-01-20 & BA-02-20) (Continued)

Thomas Mazur reported that the Developmental Controls Committee has the responsibility to: (1) approve the zoning amendments as submitted; (2) approve the zoning amendments on conditions as specified; (3) deny the zoning amendments as submitted based on cause; or, (4) at the request of the petitioner table a decision until certain issues can be resolved.

Walter Rysz commented that since this is blessed by the ORC it's up to the Trustees and doesn't really matter what the Committee recommends. Doug Post commented that he believes it's maybe a little too early to do this; Kevin Cox commented that he agreed. Kevin Cox commented that he believes there should be more discussion. Thomas Mazur commented that discussions have been going on for two years. Brad Baxter commented that he thinks what may be happening here is maybe the DCC members are feeling a little overwhelmed in trying to make the right decision because they are just now catching wind of this. Brad Baxter commented that there has been two years of effort put into this and the Township wants to make sure it is being done in the right way which is why they brought people in that know how to do this. Brad Baxter commented that he is not going to disagree with Kevin but his point is a lot of the constraints being identified are not dictated by whether or not they think the development plans are going to work it's about whether or not the state is going to allow certain businesses to do the things they want to do. It is up to the property owners to make sure they comply with the constraints or regulations. Brad Baxter commented that all the Township has done is laid out a plan in advance to let the developers know what they are up against for the area. Thomas Mazur commented that the positive thing he sees about this is it eliminates the nonconforming uses, nonconforming lots of record and you don't have to wait the full 75-90 days to change the zoning because it's already there. Brad Baxter commented that they are trying to appeal to a wider base of developers that are interested in doing different things. Jerry Gilden questioned if all three Trustees are in step with this. Brad Baxter responded yes. Ruth Hollenbacher questioned if Mr. Degen was in favor. Brad Baxter responded yes.

Motion 3 (1-7-20) DCC

Bruce Plumb made the motion to approve BA-01-20. Seconded by Walter Rysz; motion carries with two (2) nays (Kevin Cox and Doug Post) and one (1) abstention (Brad Baxter).

5. REVIEW BATH TOWNSHIP ZONING PETITION (BA-02-20)

Motion 4 (1-7-20) DCC

Bruce Plumb made the motion to approve BA-02-20. Seconded by Walter Rysz; motion carries with two (2) nays (Kevin Cox and Doug Post) and one (1) abstention (Brad Baxter).

6. STATUS UPDATE: MOUNDING

Thomas Mazur reported that staff has been dealing with several mounding issues recently, specifically several in Richland Township. In December, staff met twice with representatives of local Townships, Prosecutors Office, County Engineers Office and Soil and Water. Thomas Mazur reported that the County Drainage Engineer said that a six inch flower bed can be an obstruction to the natural waterways and could constitute a violation of Ohio Drainage Laws. Thomas Mazur reported that Ron Meyer, Deputy County Engineer, said that the County does not have time to review every site plan that would be submitted to the Township if we required plans that would include a review of these mounds. Thomas Mazur commented that we didn't even have a definition of what constituted a mound. The County Prosecutor has been trying to develop a definition and is considering a maximum height of 6 feet, front yard setback requirements would be 30 feet from the right-of-way, side yards would follow the existing setback rules and regulations. The County Prosecutor is starting to

6. STATUS UPDATE: MOUNDING (Continued)

come to the same consensus as Richland Township Zoning Inspector, Mike Zimmerly, that mounds should be considered structures if they are not naturally formed and should meet all setback requirements. Kevin Cox questioned if this is specific to residential areas. Thomas Mazur responded not necessarily; the ones we are having problems with in Richland Township are on large tracts of ag ground. Thomas Mazur commented that with the new above ground septic systems they need three feet of fresh fill. In order to make them affordable contractors are building ponds for homeowners and using some of the dirt to cover up the septic system and the rest used to make mounds. Thomas Mazur commented that the County Prosecutor is still considering a 3:1 slope. If the mounds exceed six feet in height they want a licensed landscape architect or an engineer to approve the design and construction. Thomas Mazur reported that the County Prosecutor is currently looking at mounds as structures. Thomas Mazur commented that he is not sure what the Prosecutor will decide but he will keep the Committee updated.

7. OTHER

Thomas Mazur reported that another pertinent issue is lot size in the Townships. There is some confusion as to what the Health Department requires. Thomas Mazur reported that approximately 12 years ago staff met with the OEPA and asked what an acceptable minimum lot size would be for areas without public water and sewer. At that time, the EPA said that based on the types of soils and topography in Allen County a minimum lot size of 2.5 acres should mitigate the need to run water and sewer lines everywhere. Therefore, that was the recommendation at that time after discussion with Soil and Water, RPC, County Sanitary Engineer and the Health Department essentially that in areas without public sewer the Townships should adopt 2.5 acre minimum lot size. Most of the townships did this. The Health Department Board eventually said that 2.5 acres was a good size for a new lot but for existing lots 2.5 acres may not be necessary. But, it depends on the soil analysis that is conducted and what is necessary for a specific lot. Therefore, the Health Department staff will evaluate the site with the existing house and determine what area is needed for septic. Understandably, this is causing some confusion.

8. ADJOURNMENT

Motion 5 (1-7-20) DCC

Walter Rysz made the motion that the meeting be adjourned. Seconded by Bruce Plumb; motion carried.