



LIMA-ALLEN COUNTY REGIONAL PLANNING COMMISSION

130 West North Street Lima, Ohio 45801-4311
Telephone: 419-228-1836 FAX: 419-228-3891
www.lacrpc.com

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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 Ms. Aloka Roy
Mr. Walter Rysz

FROM: Mr. Kevin Cox, Chairman

DATE: July 3, 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, July 9, 2019** 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 – April 16, 2019
4. Review American Township Zoning Amendment Petition (AM-02-19)
5. Review Bath Township Variance Petition (BA-V01-19)
6. Review Spencer Township Zoning Amendment Petition (SP-01-19)
7. Other
8. Adjournment

Cc: Keith Brickner, American Township Zoning Inspector
American Township Trustees
Ken Meyer, Bath Township Zoning Inspection
Bath Township Trustees
Brian Binkley, Spencer Township Zoning Inspector
Spencer Township Trustees

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



DEVELOPMENTAL CONTROLS COMMITTEE

July 9, 2019

There was a meeting of the **Developmental Controls Committee** of the Lima-Allen County Regional Planning Commission held on **Tuesday, July 9, 2019 at 3:00 p.m.** in the Conference Room of the Commission office located at 130 West North Street, Lima, Ohio.

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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. Bruce Plumb	City of Lima
Mr. Doug Post	Amanda Township
Ms. Aloka Roy	City of Lima
Mr. Walter Rysz	Richland Township

GUESTS

Mr. Ken Meyer	Bath Township Zoning Inspector
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STAFF

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

2. **APPROVAL OF AGENDA**

Motion 18 (7-9-19) DCC

Doug Post made the motion that the agenda be approved. Seconded by Walter Rysz; motion carried.

3. **APPROVAL OF DCC MINUTES – APRIL 16, 2019**

Motion 19 (7-9-19) DCC

Walter Rysz made the motion that the DCC minutes of April 16, 2019 be approved. Seconded by Steve Ewing; motion carried.

4. REVIEW AMERICAN TOWNSHIP ZONING AMENDMENT PETITION (AM-02-19)

James Patterson reported that the petitioners seek to change the zoning of 3 parcels (36-2702-02-004.000, 36-2702-02-005.000 and 36-2702-02-006.000) on the south side of Allentown Road (SR 81) located in the SE quadrant of the Allentown/Eastown road intersection from B-1 General Business to B-2 General Business in order to more easily market/sell the subject parcels for future development. James Patterson reported that there are no identified floodplains or wetlands on the parcels; nor have any historical or cultural resources been identified. The parcels are served by municipal water and sewer services. The parcels do not have access to fixed route public transit services but are located within the Transit Authority's Zone 2 and have access to demand response and paratransit services. Allentown Road (SR 81) is classified as a Principal Arterial on the Federal Functional Classification System. Traffic volumes on the east leg of Allentown Road is 15,378 vehicles per day with 1.0% of that being commercial truck traffic. Each of the 3 parcels currently have direct access to Allentown Road, the closest of which is approximately 360' from the center of the Allentown and Eastown intersection. James Patterson reported that there were 49 crashes at the intersection of Allentown and Eastown between 2016-2018 reflecting 15 injury and 34 property damage only crashes. The intersection has been identified as a High Crash Intersection Location by the Planning Commission. James Patterson reported that current zoning in the immediate area is mixed primarily with B-1 and B-2. The dominant land use on Allentown Road is single family residences. A professional office exists on the Bennett parcel; a car wash can be found to the west fronting Eastown Road. The Township's 2030 Comprehensive Plan identifies the area as mixed use. James Patterson commented that there are a lot of uses allowed in a B-1 and it is staff's position that the potential use be identified before the zoning is changed to B-2. Given the public investments in Eastown and Allentown roads, the existing traffic conditions and the wide range of economic activities available within the B-1 zoning district staff recommends denial. James Patterson reported that staff suggests that should the applicants want to pursue a more intensive use of the parcels that the PUD district designation be sought. James Patterson reported that the Developmental Controls Committee has the responsibility to: (1) approve the zoning amendment as submitted; (2) approve the zoning amendment on conditions as specified; (3) deny the zoning amendment as submitted based on cause; or, (4) at the request of the petitioner table a decision until certain issues can be resolved.

Aloka Roy questioned if the parcels being requested for rezoning contained houses right now. James Patterson responded that the parcels do have houses on them currently but are zoned B-1. Walter Rysz commented that there is B-1 and B-2 zoning already mixed in the area so what would be the difference if the parcels being proposed for rezoning were changes to B-2. Walter Rysz commented that he understands that the use could be different in a B-2 zoning but there is already some B-2 zoning in the area. James Patterson commented that it is a safety concern if something new is put in that causes higher traffic volumes. James Patterson commented that according to the Access Management Plan the driveway on the smaller lot is only about 300' from the intersection; if it was a new parcel being created it would have to be 600' from the intersection for safety purposes. Aloka Roy commented that she uses the car wash on Eastown Road a lot and it is very difficult to turn left when exiting the car wash. Walter Rysz commented that it is often difficult in business areas to make left turns.

Thomas Mazur commented that staff recommends denial on a number of levels with safety being one, money put into improvements on both Allentown and Eastown being another issue and the fact that there is not a plan for the parcels at this time. Thomas Mazur commented that the parcels are already zoned B-1 and there are not that many additional activities that can go into a B-2 that can't already be accommodated in a B-1. Thomas

4. REVIEW AMERICAN TOWNSHIP ZONING AMENDMENT PETITION (AM-02-19)
(Continued)

Mazur commented that he believes that eventually the car wash will have restricted flow with right in and right out. Thomas Mazur commented that when looking at American Township's Comprehensive Plan safety is one of the first goals they target, stressing that the need to preserve the capacity of their roadways in order to keep them safe. Thomas Mazur commented that the uses allowed in a B-1 and B-2 are very similar.

Kevin Cox commented that the way he sees it, there is not a substantial monetary gain from changing the zoning to B-2 he sees no reason to change it. Kevin Cox commented that it would be different if a specific business came in and wanted to change it and had a plan for the property. Thomas Mazur commented that that is staff's position as well. Thomas Mazur commented that the American Township Comprehensive Plan recommendation was for a mixed use development in that area. Thomas Mazur commented that Shawnee Lakes is just to the east of the property and they are getting ready to build another 60 units. Thomas Mazur commented that staff does not want to allow anything in there that would discourage the development of the corridor. Thomas Mazur reported that staff contacted the AEDG, Chamber and American Township to see if any plans had been submitted for the property and they all said there had not. Thomas Mazur reported that staff has talked to the property owners proposing the rezoning several times in the past year; they are having trouble selling the property and want it rezoned as a marketing strategy. Thomas Mazur commented that the Committee has to make sure the owners have a viable use of their property; we do not have to maximize their options while compromising the safety and integrity of the intersection. Walter Rysz commented that he is troubled that there is already a lot of B-2 in the area and he doesn't see an issue with rezoning the property to B-2 even when considering access management because the car wash is already in the area. James Patterson commented that when the property for the car wash was rezoned there was a plan for the property and a use identified before the rezoning was granted. Walter Rysz asked if it would make any difference if we knew there was a truck terminal planned. James Patterson responded that considering that the Allentown and Eastown intersection is the fourth highest crash intersection in the County 300' away it would make a difference. Walter Rysz questioned if we could stop it though. Thomas Mazur responded that we would make our recommendation and the Township would have final say.

Motion 20 (7-9-19) DCC

Walter Rysz made the motion to deny AM-02-19 based on the public investments in Eastown and Allentown roads, the existing traffic conditions and the wide range of economic activities available within the B-1 zoning district. Seconded by Bruce Plumb; motion carried.

5. REVIEW BATH TOWNSHIP VARIANCE PETITION (BA-V01-19)

Thomas Mazur reported that the subject parcel (5.977 acres) is owned by Lock It Up Lima, LLC, which also owns the adjacent parcel 37-2900-02-008.001 (4.000 acres) to the west. Both parcels are zoned B-2. Currently, both parcels meet all township and county regulations except the 4.000 acre parcel does not meet the width to depth ratio as required by the County Subdivision regulations. Thomas Mazur reported that the subject parcel is developed with storage units while the 4.000 acre parcel is undeveloped. In an effort to make the 4.000 acre parcel more attractive to a buyer for development, the petitioner is requesting to transfer approximately 1.75 acres from the subject parcel to the 4.000 acre parcel which is located directly north of the 4.000 acre parcel. In doing so, the 4.000 acre parcel will become larger to approximately 5.75 acres and will meet all township and county regulations; however, the subject parcel will become smaller to approximately 4.227 acres and will not meet the width to depth requirements in the Allen County Subdivision

5. REVIEW BATH TOWNSHIP VARIANCE PETITION (BA-V01-19) (Continued)

Regulations. Due to the original layout of these parcels it appears that one or the other will always fail to meet the width to depth ratio requirements. Thomas Mazur commented that these lots were all created prior to 1960 and at the time the City had a 3-mile jurisdiction. Thomas Mazur reported that the applicant is requesting a variance to the width to depth ratio for the subject parcel 37-2900-02-008.000. Thomas Mazur reported that staff recommends approval. Thomas Mazur reported that the Developmental Controls Committee has the responsibility to: (1) approve the variance petition as submitted; (2) approve the variance petition on conditions as specified; (3) deny the variance petition as submitted based on cause; or, (4) at the request of the petitioner table a decision until certain issues can be resolved.

Motion 21 (7-9-19) DCC

Doug Post made the motion to approve BA-V01-19. Seconded by Walter Rysz; motion carried.

6. REVIEW SPENCER TOWNSHIP ZONING AMENDMENT PETITION (SP-01-19)

Thomas Mazur reported that the petitioner intends to purchase the northern 2.590 acre portion of parcel 44-0200-01-001.000 and install a Propane Satellite Plant, which has been described as a tank and truck filling facility. The remaining 4.183 acres of the subject parcel will contain the existing house and an accessory building located approximately 125' from the proposed lot line. Thomas Mazur reported that there are no identified floodplains or wetlands; nor have there been any archaeological or cultural attributes identified. There are no municipal water or sewer services. The area is not served by the RTA fixed route but receives demand response services. There were no crashes at the proposed project site within the last 4 years. Both Purdy and Acadia roads are identified as local roads on the Federal Functional Classification System. Acadia Road services approximately 765 vehicles per day while Purdy serves 86 vehicles per day. Thomas Mazur reported that the petitioner has requested a zoning map amendment petitioning the Township for a B-1 District designation for the 2.59 acre parcel to be created. The proposed activity is technically a non-store retail activity under the North American Industrial Classification System Code ((NAICS) (454310)). The Spencer Township Zoning Resolution does not address or accommodate such an activity adequately. Thomas Mazur commented that staff suggests that the applicant is working to provide an essential service in a local rural, agricultural community where such services are not readily available. Given the character of the activity staff suggests that the activity would be best suited as a conditional use as addressed by other Townships.

Thomas Mazur reported that staff recommends that the Township deny the proposed zoning map amendment from Agriculture to B-1 Business. Thomas Mazur reported that staff recommends that the Township adopt the following language to adequately address the nature of the proposed economic activity:

"Petroleum and petroleum products wholesalers and retail outlets will stipulate to, and meet National Fire Protection Association (NFPA) #58 Guidelines, and that 18,000 gallon and larger LPG/CNG storage tanks will be steel vessels built to ASME standards and be permitted aboveground or underground when designed to include relief valves, excess flow valves and gauges for temperature, pressure and liquid level, with remote/automatic valve features required to provide enhanced product control and safety at the request of, and only after site plan approval of, the Fire Chief of the Spencerville Invincible Fire Department."

6. REVIEW SPENCER TOWNSHIP ZONING AMENDMENT PETITION (SP-01-19)
(Continued)

Thomas Mazur reported that staff further recommends that the Township update the Spencer Township Zoning Resolution to include this activity and such language as a conditional use in sections 4.2, 8.2, and 9.2 with adequate yard and set back regulations to reflect the nature of the activity; and, as a permitted use in sections 10.1 and 11.1. Thomas Mazur reported that upon implementation, staff recommends approval to re-zone the proposed new parcel to B-2. Thomas Mazur reported that the Developmental Controls Committee has the responsibility to: (1) approve the zoning amendment as submitted; (2) approve the zoning amendment on conditions as specified; (3) deny the zoning amendment as submitted based on cause; or, (4) at the request of the petitioner table a decision until certain issues can be resolved.

Kevin Cox questioned if Spencer Township currently had any language addressing this in their Zoning Resolution. Thomas Mazur responded that they currently do not; staff is suggesting that Spencer Township adopt language similar to what Perry Township adopted. Kevin Cox questioned if the language should be adopted before the rezoning is approved. Thomas Mazur responded that such a recommendation is going to go to the Township; technically the text should be changed before the zoning map is changed. Thomas Mazur further explained that the Committee could specify in their recommendation to change the zoning text first. Kevin Cox commented that Perry Township had a similar rezoning request and there were some things that needed changed in their zoning before the request could be granted, especially in relation to fire department requirements. Aloka Roy questioned if a lot split would be necessary. James Patterson responded that there would be a lot split needed. Thomas Mazur commented that staff feels it is a benefit to the community to have the satellite filling stations, but proper location is necessary. James Patterson commented that staff is recommending denial and that the appropriate zoning district would actually be B-2. Kevin Cox commented that it could be considered spot zoning. Thomas Mazur responded that it could be considered spot zoning; Spencer Township doesn't have much zoning other than agricultural. Brad Baxter questioned who is determining the need for the satellite location and commented that getting the public opinion may be a good idea.

Motion 22 (7-9-19) DCC

Walter Rysz made the motion to deny SP-01-19 based on the fact that the Spencer Township Zoning Resolution doesn't address the proposed use making the zoning petition premature.

7. OTHER

None.

8. ADJOURNMENT

Motion 23 (7-9-19) DCC

Doug Post made the motion that the meeting be adjourned. Seconded by Bruce Plumb; motion carried.