



LIMA-ALLEN COUNTY REGIONAL PLANNING COMMISSION

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TO: DEVELOPMENTAL CONTROLS COMMITTEE
Mr. Paul Basinger Mr. Brad Baxter
Mr. Mark Bishop Mr. Kevin Cox
Mr. Steve Ewing Mr. Jerry Gilden
Mr. Kent McCleary Mr. Bruce Plumb
Mr. Doug Post Mr. Walter Rysz

FROM: Mr. Chuck Schierloh, Chairman

DATE: July 28, 2020

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, August 4, 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 – July 21, 2020
4. Review American Township Zoning Petition (AM-02-20)
5. Other
6. Adjournment

To comply with Ohio Director of Health guidelines and orders limiting/prohibiting group gatherings of more than 10 persons, no in-person attendance at LACRPC meetings by the public will be available. The public can view committee meetings via the LACRPC Facebook page at <https://www.facebook.com/Lima-Allen-County-Regional-Planning-Commission-114563720277180/>. Anyone wanting to exercise Privilege-of-the-Floor, for a committee meeting, must contact the LACRPC at 419-228-1836. Meeting agendas/minutes are published on the LACRPC website; click on the "Committees" tab on the left for more meeting information.

cc: Mr. Keith Brickner, American Township Zoning Inspector
American Township Trustees

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



DEVELOPMENTAL CONTROLS COMMITTEE

August 4, 2020

There was a meeting of the **Developmental Controls Committee** of the Lima-Allen County Regional Planning Commission held on **Tuesday, August 4, 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
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A quorum being present via teleconference. For the good of the order, attendance will be called, please confirm your presence. Chuck Schierloh brought the meeting to order and proceeded with the agenda.

1. **ROLL CALL**

Mr. Paul Basinger	American Township
Mr. Brad Baxter	Bath Township
Mr. Kevin Cox	Perry Township
Mr. Steve Ewing	Auglaize Township
Mr. Jerry Gilden	Marion Township
Mr. Doug Post	Amanda Township
Mr. Walter Rysz	Richland Township
Mr. Chuck Schierloh	City of Lima

GUESTS

Dr. Carl Feltz	Feltz Chiropractic
Dr. Kayla Feltz	Feltz Chiropractic
Mr. Jason Flower, Attorney	Huffman, Kelly, Brock & Gottschalk

STAFF

Mr. Shane Coleman	Lima-Allen County Regional Planning Commission
Mr. Adam Haunhorst	Lima-Allen County Regional Planning Commission

2. **APPROVAL OF AGENDA**

Motion 28 (08-04-20) DCC

Kevin Cox made the motion that the agenda be approved. Seconded by Walter Rysz; motion carried.

3. **APPROVAL OF DCC MINUTES – July 21, 2020**

Motion 29 (08-04-20) DCC

Walter Rysz made the motion that the DCC minutes of July 21, 2020 be approved. Seconded by Kevin Cox; motion carried.

4. REVIEW AMERICAN TOWNSHIP ZONING PETITION (AM-02-20)

Adam Haunhorst reported that staff reviewed the Makley Subdivision rezoning request. The current zoning is R-1 and the request is to rezone the one parcel on the north side of Makley Drive to B-1. After reviewing the location, staff found that in American Township's Comprehensive Plan, the current and future use of the parcel to continue as a residential area. Additionally, the original charter for the subdivision, while the charter has expired, lists the area as permanently residential with no businesses facing the residential street. It is for these reasons that staff recommends denial of this rezoning request. Shane Coleman stated that he was not in the office last week and staff should have provided the DCC with maps and documentation based upon staff's research pertaining to this rezoning request. Shane Coleman reiterated that the parcel in question is located on a residential street and based on the American Township Comprehensive Plan, staff recommends denial of the rezoning request. Dr. Kayla Feltz stated that the Feltz's would like to have the rezoning approved and reported that they believe that the intersection is a nicely controlled intersection that would increase traffic through the neighborhood. The Feltz's believe that the location would be great for their chiropractic office. Kevin Cox asked if the petitioners are requesting a change in the zoning to B-1. Adam Haunhorst replied that the petitioners are requesting a change from the current R-1 to B-1. At the intersection of Makley and Eastown Road, the parcel in question is located on the northwest corner. The property in question as well as the remainder of Makley Drive is currently zoned R-1. Kevin Cox asked if B-1 does allow for residential property. Adam Haunhorst replied that B-1 does allow for some residential property. Jason Flower, Attorney for the petitioners, stated that he submitted the rezoning request on behalf of the petitioners. Jason Flower asked if the reasons that staff recommends denial is based on the current zoning of R-1 and the charter that is now expired that stated that the area should always remain residential. Shane Coleman replied that the charter was in effect for 55 years and actually did not state that the area always remains residential. The original developer did intend the area to be residential. The biggest reason staff recommends denial is based on the current R-1 zoning and the Comprehensive Plan for American Township envisions this area as residential. Shane Coleman stated that the DCC provides a recommendation but ultimately, it is the Township Trustees who make the final decision whether to approve or deny the request. Jason Flower stated that in the 90's when that entire area was transferred to B-1 based on the location and future business planning and this one "pocket" is designed to remain R-1. Shane Coleman replied that staff does not have any documentation or information as to the supposed change to B-1. All of Makley Drive including the properties at the intersection of Makley Drive and Eastown Road are currently zoned R-1. Jason Flower asked if all of the properties to the north and south of the intersection are zoned B-1. Adam Haunhorst replied in the affirmative and stated that the B-1 zoned properties are along the Eastown Road corridor. Jason Flower asked if the concern is that the current residence is facing the residential street and stated that if the residence faced Eastown Road, then there may not be this rezoning issue. Shane Coleman replied in the affirmative. Kevin Cox asked if this request creates any spot zoning issues. Shane Coleman replied that it depends on one's definition of spot zoning and stated that one could argue that it does as it creates a B-1 within an entire area of R-1. Paul Basinger asked for clarification as to where this property is located in relation to Sara's Sweet's and Shirley's Gourmet Popcorn in the business plaza on Eastown Road. Jason Flower replied that the business complex is located on the opposite side of Eastown Road approximately 1/4 to 3/8 of a mile north of the property in question. Brad Baxter asked if the property just east of the property in question is right-of-way (ROW). Shane Coleman replied that that piece of property appears to ROW. Jason Flower stated that the corner property is owned by Allen County and is ROW that was developed when Eastown Road was changed to a 4-lane roadway. Brad Baxter stated that this property actually has no access off of Eastown Road and only has access directly off of Makley Drive which has been described as planned

4. REVIEW AMERICAN TOWNSHIP ZONING PETITION (AM-02-20) (Continued)

residential use only. There might be opportunity if the property had access from Eastown Road but it does not. Jason Flower stated that at this time, Allen County is not interested in selling this piece of ROW property.

STAFF’S RECOMMENDATIONS:

Staff recommends denying the proposed zoning map amendment from R-1 (Residential) to B-1 (Business). Staff makes this recommendation based on the following factors. The proposed zoning amendment would be in direct contradiction of the American Township Comprehensive Plan (Plan) dated 2009. The Plan specifically addresses projected 2030 land use which demonstrates a vision for this area as residential. Rezoning of this parcel would necessarily compromise that vision. Additionally, the proposed zoning amendment would create a spot zone, as the parcel would be the only non-residential property in the subdivision.

DCC RESPONSIBILITIES:

Shane Coleman stated 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 30 (08-04-20) DCC

Brad Baxter made the motion to deny the American Township Zoning Petition (AM-02-20) as per staff’s recommendations. Seconded by Walter Ryzs; motion carried (with one abstention, Paul Basinger).

5. OTHER

None.

6. ADJOURNMENT

Motion 31 (08-04-20) DCC

Paul Basinger made the motion that the meeting be adjourned. Seconded by Steve Ewing; motion carried.