



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. Doug Post
Mr. Walter Rysz

FROM: Mr. Chuck Schierloh, Chairman

DATE: August 11, 2020

RE: D C C Meeting

There will be a meeting of the **Developmental Controls Committee** of the Lima-Alten County Regional Planning Commission held on **Tuesday, August 18, 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 – August 4, 2020
4. Review Allen W. Schmidthorst Replat (American Township)
5. Review Bath Township Zoning Petition (BA-04-20)
6. Other
7. 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
Mr. Ken Meyer & Mr. Scott Campbell, Bath Township Zoning Inspector's
Bath Township Trustees

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

DEVELOPMENTAL CONTROLS COMMITTEE

August 18, 2020

There was a meeting of the **Developmental Controls Committee** of the Lima-Allen County Regional Planning Commission held on **Tuesday, August 18, 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:

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A quorum being present via teleconference. For the good of the order, attendance will be called, please confirm your presence. Shane Coleman brought the meeting to order and proceeded with the agenda.

1. ROLL CALL

Mr. Brad Baxter	Bath Township
Mr. Kevin Cox	Perry Township
Mr. Doug Post	Amanda Township
Mr. Walter Rysz	Richland Township

GUESTS

Mr. Ken Meyer	Bath Township Zoning Inspector
Ms. Angela Wauben	Bath Township Petitioner

STAFF

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

2. APPROVAL OF AGENDA

Motion 32 (08-18-20) DCC

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

3. APPROVAL OF DCC MINUTES – August 4, 2020

Motion 33 (08-18-20) DCC

Walter Rysz made the motion that the DCC minutes of August 4, 2020 be approved with the correction that Doug Post was in attendance. Seconded by Doug Post; motion carried.

4. REVIEW ALLEN W. SCHMIDTHORST REPLAT (AMERICAN TOWNSHIP)

Adam Haunhorst reported that a copy of a drawing of the property has been pulled up for those that can watch the meeting as well as participate. The drawing depicts the Vernon

4. REVIEW ALLEN W. SCHMIDTHORST REPLAT (AMERICAN TOWNSHIP) (Continued)

Heights subdivision in American Township. The parcel under discussion is just south of Elm Street, between Elm and Lowell streets. The owner would like to split the parcel into almost equal parcels; one parcel would be .55 acres and the other parcel would be .49 acres. The splitting of the parcels will not change the current zoning. The petitioner is just looking to have an additional building lot added to the plat. Adam Haunhorst stated that the petitioner has already submitted the plat from the surveyor to staff. Staff believes that the request meets all of the county as well as the subdivisions original charter requirements in terms of set-backs and land area. There is an existing easement for all utilities. Adam Haunhorst reported that the aerial photo reveals the existing utilities on then parcel as well as the outline of the parcel. This parcel is the only remaining parcel within the subdivision that has yet to be split.

STAFF'S RECOMMENDATIONS:

Staff recommends approval as submitted.

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 34 (08-18-20) DCC

Kevin Cox made the motion to approve the Allen W. Schmidthorst replat in American Township as per staff's recommendations. Seconded by Brad Baxter; motion carried.

5. REVIEW BATH TOWNSHIP ZONING PETITION (BA-04-20)

Adam Haunhorst reported that a copy of the packet (BA-04-20) has been placed on the screen for those who can see these items. The petition is for parcel number 37-3400-01-001.000 to be rezoned from R-1 Residential to B-1 Local Business District in Bath Township. The parcel is located on Mumaugh Road with the intersection of Reservoir Road just out of frame. The parcel is the first parcel on the west side coming south along Mumaugh Road from Reservoir Road. Adam Haunhorst reported that the petitioner would like to build a hair salon. The petitioner resides on the adjacent property. The property is surrounded on all sides but one by rural land which is zoned agricultural. When staff examined Bath Township's 2040 Land Use, the township does have the area projected to change over to commercial use. Staff notes that this petition presents a potential spot-zone there are existing utilities which are owned by the municipality. Adam Haunhorst reported that the property is located within a flood zone with an established flood elevation from the Federal Emergency Management Agency (FEMA). Brad Baxter asked if the DCC knows what the petitioner's actual plans for the property are. Adam Haunhorst replied that the petitioner has stated that she planned to construct the hair salon outside of the floodplain. The petitioner would still have to apply for a Floodplain Development Permit because the property is part of the floodplain. Shane Coleman reported that staff has researched this request extensively and discussed the matter internally and recommends denial as previously stated. Angela Wauben, the property owner, requested the zoning petition be withdrawn. Shane Coleman requested a motion to withdraw the petition with action by the DCC. Walter Ryzs asked if this withdrawal of the petition from the DCC means that it will also be withdrawn from the Zoning Commission of Bath Township. Shane Coleman and Kevin Cox both stated that the withdrawal of the petition would not go before the Bath Township Zoning Commission without a recommendation by the DCC.

5. **REVIEW BATH TOWNSHIP ZONING PETITION (BA-04-20)** (Continued)

STAFF'S RECOMMENDATIONS:

Staff recommends denial of the BA-04-20 rezoning request. This parcel would create a spot zone as it is surrounded by Residential and Rural District zoned parcels. While the projected 2040 land use shows that this parcel is to transition to a commercial application, none of the surrounding parcels are projected to do the same. The Staff has further concerns regarding this parcel's location within a documented floodplain. This will make development of the site difficult, if not impossible, and would require significant engineering to ensure that the County's floodplain development regulations are adhered to.

DCC RESPONSIBILITIES:

Shane Coleman stated 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.

Motion 35 (08-18-20) DCC

Walter Ryzs made the motion to accept the withdrawal of Bath Township Zoning Petition (BA-04-20) by the petitioner and noting that if the petitioner decides to take this issue back up with Bath Township, the petition must come before the DCC before Bath Township can take any action. Seconded by Kevin Cox; motion carried (with one abstention, Brad Baxter).

6. **OTHER**

a. **Resignation of Bruce Plumb from the DCC and the LACRPC Board**

Shane Coleman stated that staff received a notification from Bruce Plumb that he was resigning from the DCC and the Board of the Lima-Allen County Regional Planning Commission (LACRPC). Staff had also received notification from Randy Ackerman, a member of the DCC that he was resigning. Staff is in the process of looking for 2 persons to fill these positions on the Committee.

7. **ADJOURNMENT**

Motion 36 (08-18-20) DCC

Brad Baxter made the motion that the meeting be adjourned. Seconded by Kevin Cox; motion carried.