



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. Ken McCleary Mr. Doug Post  
Mr. Walter Rysz Ms. Beth Seibert  
Ms. Kim Stiles Mr. Dave Stratton

FROM: Mr. Chuck Schierloh, Chairman

DATE: May 4, 2021

RE: DCC Meeting

There will be a meeting of the **Developmental Controls Committee** of the Lima-Allen County Regional Planning Commission held on **Tuesday, May 11, 2021** at **3:00 p.m.** via ZOOM teleconference in the Conference room of the Commission office located at 130 W. North Street, Lima, Ohio.

The agenda will be as follows:

1. Roll Call
2. Approval of Agenda
3. Approval of DCC Minutes – April 27, 2021
4. Applewood Estates Replat (Shawnee Township)
5. American Township Zoning Resolution – Article 24 Solar Energy Systems
6. American Township Zoning Resolution – Chapter 22 and 23
7. Other
8. Adjournment

To comply with Ohio Director of Health guidelines and order 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 information.

Cc: Mark Bishop, Shawnee Township Zoning Inspector  
Shawnee Township Trustees  
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**

**May 11, 2021**

There was a meeting of the **Developmental Controls Committee** of the Lima-Allen County Regional Planning Commission held on **Tuesday, May 11, 2021 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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3. Approval of DCC Minutes – April 27, 2021
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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. Mark Bishop	Shawnee Township
Mr. Jerry Gilden	Marion Township
Mr. Doug Post	Amanda Township
Mr. Walter Rysz	Richland Township
Mr. Chuck Schierloh	City of Lima
Ms. Kim Stiles	Allen County

**GUESTS**

Mr. Daven Stedke	Applewood Estates Developer
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**STAFF**

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

**2. APPROVAL OF AGENDA**

**Motion 29 (05-11-21) DCC**

Brad Baxter made the motion that the agenda be approved. Seconded by Doug Post; motion carried.

**3. APPROVAL OF DCC MINUTES – April 27, 2021**

**Motion 30 (05-11-21) DCC**

Walter Rysz made the motion that the DCC minutes of April 27, 2021 be approved. Seconded Jerry Gilden; motion carried.

**4. APPLEWOOD ESTATES REPLAT (SHAWNEE TOWNSHIP)**

Adam Haunhorst reported the Applewood Estates Subdivision was approved with the consent of the Allen County Engineer, LACRPC, and Shawnee Township in October of 2014. The existing subdivision was platted with full access to sanitary sewer, electric, public streets, and gas. Because of the subdivision's status as a Planned Unit Development (PUD), the proposed replat was first reviewed and approved by Shawnee Township. Following Township approval, the proposed replat was reviewed to ensure its continued compliance with environmental issues related to wetlands, floodplains, as well as historical landmarks, and archeological sites. The proposed parcels will be serviced by Summer Rambo Court., a low-volume street classified as a local roadway on the federal functional classification system. Summer Rambo Court is not listed on any access management plan and therefore is not applicable. One total buildable lot was eliminated and replaced with one non-buildable lot; therefore, the capacity of Summer Rambo Court will not be adversely affected by additional traffic. The subdivision is currently zoned as a PUD in Shawnee Township and is proposed to remain as such. All minimum setbacks and lot restrictions established by the township within the PUD are met by the proposed lots. The proposed lots meet all other specific requirements established by both the Township and subdivision. Please note this would eliminate one total buildable lot while creating a new non-buildable lot. Additionally, it would remove a sign from private property and create a new common space lot that is easier to access for maintenance. Chuck Schierloh asked what PUD meant. Adam Haunhorst replied PUD means Planned Unit Development. These units can be used as a mixed usage development. There are some zoning categories that can be allowed with these types of developments that normally are not allowed within the regular subdivision regulations. Because this is a zoning issue, it must be approved by the township. Brad Baxter stated that he assumed that this request does not "step outside" what is typically part of a PUD. Mark Bishop replied that as far as he knows, this request conforms with current PUD regulations. Brad Baxter stated that he was aware that this was a PUD and was just wondering if tis request remains in line with the structure of the current PUD. Adam Haunhorst replied that as far as he can determine, this request conforms to the current PUD.

**STAFF RECOMMENDATIONS:**

The Staff recommends approval as submitted.

**DCC RESPONSIBILITIES:**

The Developmental Controls Committee has the responsibility to: (1) approve the proposed replat as submitted; (2) approve the proposed replat on conditions as specified; (3) deny the proposed replat as submitted based on cause; or (4) at the request of the petitioner table a decision until certain issues can be resolved.

**Motion 31 (05-11-21) DCC**

Brad Baxter made the motion to approve staff's recommendations and forward said recommendations on to Shawnee Township for review and action. Seconded by Paul Basinger; motion carried.

**5. AMERICAN TOWNSHIP ZONING PETITION – ARTICLE 24 SOLAR ENERGY SYSTEMS**

Adam Haunhorst reported staff recommendations are strictly that-recommendations. Any decisions are strictly the township's responsibility. Adam Haunhorst reported balancing the public's interest with those of property owners is a daunting task. Regulating solar energy systems, both large and small, requires a delicate balance between property owner rights

5. **AMERICAN TOWNSHIP ZONING PETITION – ARTICLE 24 SOLAR ENERGY SYSTEMS**  
(Continued)

and what should be a strong interest in the deployment of well-planned energy systems of all types by federal, state, and local governments. The Township identifies the same in section 24.1: “Recognizing the importance of clean, sustainable, and renewable energy sources, the Township permits the use of residential and commercial solar energy systems under the following regulations to ensure the safety and welfare of all Township residents is met”. The Township additionally recognizes in section 24.0 that “in some specific instances, under carefully controlled circumstances it may be in the public interest to permit the placement of solar energy facilities within certain areas of the Township.”

Article 24 seeks to establish the “general guidelines for the locations of residential, commercial, and industrial solar energy systems in order to protect the public health, safety, comfort and general welfare of the Township resident.” Allowable Districts for Permitted Use are identified in section 24.2. Further, it addresses General Requirements for Energy Systems (24.3), identifies Regulations for Roof Mounted & Ground Mounted Solare Systems (24.4), and Regulations for Utility Grid Solar Energy Systems (24.5).

**LIMA-ALLEN COUNTY REGIONAL PLANNING COMMISSION**  
**ZONING AMENDMENT**

(CASE NO: AM-01-21-R)

Section 24.1 defines the term adverse visual impact as, “An unwelcome visual intrusion that diminishes the visual quality of an existing landscape”. Staff recommends clarifying this definition to provide some quantifiable metric for diminishing the visual quality.

Section 24.1 gives the definition of wetlands. Staff recommends referencing the regulatory body that established the limit of wetland within the definition.

Section 24.2 references Allowable Districts for Permitted Use. Staff would like to bring to the attention of the township that they reference commercial districts, no such district exists in American township. Staff would recommend that American township review the document and ensure that all zoning districts are referred to by the correct name. Utility Grid Solar Energy Systems have been identified as “are proposed as a **CONDITIONAL LAND USE**, in Manufacturing and Industrial zoning districts by the Board of Zoning of Appeals after a public hearing.”

Section 24.2, “Roof and Ground Mounted Solar Energy Systems” states that solar energy systems are allowed within Flood Plain Hazard Districts. Staff recommends adding, “with proper permitting from the floodplain administrator prior to development” within that section.

Section 24.4.2 (C) gives the placement requirements for roof and ground-mounted solar energy systems. Staff questions how this applies for corner lots or other properties with dual frontages. It is also of note that the ground-mounted systems in section 24.4.3 are not subject to the same rule as roof-mounted. Staff would recommend reviewing this section for clarity and revising as needed.

Section 2.4.3 (C-2) states that all ground mounted panels be located above the base flood elevation. Staff would recommend adding, “All work within the floodplain must be have a permit from the floodplain administrator prior to any development taking place”.

**5. AMERICAN TOWNSHIP ZONING PETITION – ARTICLE 24 SOLAR ENERGY SYSTEMS**  
(Continued)

Section 2.4.3 (C-5) states, “A ground-mounted solar energy system shall have, to the extent required by the zoning authority, a visual buffer of natural vegetation, plantings, earth berms, and/or fencing the minimizes impacts of the solar energy system on the visual character to the adjoining property owners”. Staff recommends implementing defined requirements for visual buffers.

Finally, staff recognizes a desire to utilize setbacks for the purposes of things such as privacy, safety, environmental protection, etc. However, setback distances identified in section 24.5.3 (B) appear to be somewhat conflicting and potentially overly restrictive. Again, staff recognizes the delicate balance between the interests of the public and the rights of property owners. However, it also recognizes that setbacks that are too restrictive could ultimately render development projects unfeasible. Shane Coleman stated that these changes to the American Township Zoning Resolution are very similar to the ones suggested by Shawnee Township. Staff will send the DCC’s recommendations and comments back to American Township for their review, comments, and action. Jerry Gilden asked as per the setback requirements, is there anything at the state level by the Power Siting Board such as guidelines or case law as to what is reasonable and what is not reasonable. Shane Coleman replied not that staff has found. Jerry Gilden stated that he was wondering if the 1000’ setback requirement will stand up in a court case. Adam Haunhorst replied that staff could contact the Allen County Prosecutor and ask what he thinks. Mark Bishop stated that Shawnee Township is holding fast to the 1000’ setback for all property lines. The township’s thoughts are that residents can go to Shawnee Township’s Zoning Board of Appeals if they are not in agreement with the 1000’ setbacks. If the petitioner is still not in agreement, they can take the “case” to the Court of Common Pleas. Mark Bishop stated that there are some other changes in reference to solar energy that are going through the State Legislature and Shawnee Township may be looking to make more changes to their Zoning Resolution in the near future. Chuck Schierloh stated that the DCC is only approving staff’s recommendations. Adam Haunhorst concurred. Shane Coleman stated that any actual changes to Zoning Resolutions are up to each political subdivision. Paul Basinger stated that he appreciated the RPC’s review of the proposed American Township Zoning Resolution changes and staff’s recommendations.

**STAFF’S RECOMMENDATIONS:**

Staff recommends that the text of Article 24 – Solar Energy Systems be revisited and examined to ensure it effectively communicates the Township’s desire to regulate solar energy system development. Staff has identified multiple areas which may prompt some confusion. Additionally, staff would recommend review for minor textual errors which would include accurate references to zoning districts within the Township.

**Motion 32 (05-11-21) DCC**

Mark Bishop made the motion to approve staff’s recommendations and forward said recommendations to American Township for review and action. Seconded by Walter Rysz; motion carried (Paul Basinger abstained).

**6. AMERICAN TOWNSHIP ZONING PETITION – CHAPTER 22 AND 23**

Adam Haunhorst reported American Township officials have been working to review, amend, and add several articles to their zoning code. Several of these proposed amendments have been presented to staff for review. Below is a list of comments the staff has put together following their review of the document.

**6. AMERICAN TOWNSHIP ZONING PETITION – CHAPTER 22 AND 23 (Continued)**

**STAFF'S RECOMMENDATIONS:**

Staff has reviewed the proposed changes and would offer the following comments for additional review by American Township officials:

1. Please change, “Allen County Regional Planning” to Lima Allen County Regional Planning Commission.
2. Article 2 Definitions – Nuisance (5) – Please define the word, “Offal” within the definition.

Shane Coleman stated these changes were made by American Township last fall. The document did not come to the RPC prior to passage therefore, the township asked for the RPC to review and comment on the changes to Chapter 22 and 23 in case there were items that were missed and the township could make any corrections needed.

**Motion 33 (05-11-21) DCC**

Brad Baxter made the motion to approve staff’s recommendations and forward said recommendations to American Township for review and action. Seconded by Walter Rysz; motion carried (Paul Basinger abstained).

**7. OTHER**

a. Last Week’s Emails

Shane Coleman stated that staff would like to apologize to the DCC for the multiple emails received last week. There was some confusion among staff as to what and when items were to be sent to Committee members. Staff anticipates only sending out the initial email with the agenda and prior month’s meeting minutes with a follow-up email with all of the pertinent items required for the meeting. Chuck Schierloh asked if there was a possibility of another meeting in 2 weeks. Shane Coleman replied in the affirmative and stated that there will be a subdivision to be reviewed at the next DCC meeting.

**8. ADJOURNMENT**

**Motion 34 (05-11-21) DCC**

Jerry Gildea made the motion that the meeting be adjourned. Seconded by Doug Post; motion carried.