



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: June 29, 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, July 6, 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 – June 22, 2021
4. Staff Recommendation: American Township Zoning Variance (AM-V02-21)
5. Staff Recommendation: Shawnee Township Zoning Petition (SH-03-21)
6. Other
7. Adjournment

Beginning this month (July), all Committee meetings will be in-person as per Ohio Sunshine Laws. Meeting agendas/minutes are published on the LACRPC website; click on the “Committees” tab on the left for more information. Any questions, please feel free to contact the Commission Office at 419-228-3196.

Cc: Keith Brickner, American Township Zoning Inspector
American Township Trustees
Mark Bishop, Shawnee Township Zoning Inspector
Shawnee Township Trustees

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

DEVELOPMENTAL CONTROLS COMMITTEE

July 6, 2021

There was a meeting of the **Developmental Controls Committee** of the Lima-Allen County Regional Planning Commission held on **Tuesday, July 6, 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
2. Approval of Agenda
3. Approval of DCC Minutes – June 22, 2021
4. Staff Recommendation: American Township Variance Petition (AM-V02-21)
5. Staff Recommendation: Shawnee Township Zoning Petition (SH-03-21)
6. Other
7. Adjournment

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. Mark Bishop	Shawnee Township
Mr. Kevin Cox	Perry Township
Mr. Steve Ewing	Auglaize Township
Mr. Jerry Gilden	Marion Township
Mr. Walter Rysz	Richland Township
Mr. Chuck Schierloh	City of Lima
Ms. Kim Stiles	Allen County

GUESTS

Mr. Dave Belton	Shawnee Township
Mr. Trevor Hubert	Lima News

STAFF

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

2. APPROVAL OF AGENDA

Motion 43 (07-06-21) DCC

Kevin Cox made the motion that the agenda be approved. Seconded by Jerry Gilden; motion carried.

3. APPROVAL OF DCC MINUTES – June 22, 2021

Motion 44 (07-06-21) DCC

Steve Ewing made the motion that the DCC minutes of June 22, 2021, be approved. Seconded Kevin Cox; motion carried.

4. STAFF RECOMMENDATION: AMERICAN TOWNSHIP VARIANCE PETITION (AM-V02-21)

Adam Haunhorst reported the subject parcel is owned by Andrew M. Leis of Lima, Ohio. The 3.89-acre parcel has access along Copus Road. The owner is interested in performing a land transfer to the parcel located to the north owned by Joseph Modic, leaving a remainder of approximately 2.890 acres. This land division would result in the receiving parcel having a width ratio of 1:7.16, which is far greater than the 1:3 that is called for in the Allen County Subdivision Regulations. Please note that this configuration previously existed and that in the recent past, the area in question was transferred, and the current layout was achieved. Please see attached surveys for a clear representation of the planned land division. Adam Haunhorst reported staff could not approve this proposed land division while it is in non-compliance with the Allen County Subdivision Regulations. Staff discussed the site non-compliance of both the County Subdivision regulations as well as the American Township Zoning Regulations (Please note that the site has received a variance from American Township) and concluded that a county variance would need to be issued before the division could be completed. Based on the stipulations of HB 22, such a land division would need to receive a variance from the Regional Planning Commission. Kevin Cox stated the property would be landlocked. Adam Haunhorst replied that it would not be landlocked as the applicant is selling the property back to the original owner, and the property would return to its original shape. Walter Rysz stated that there are a couple of other parcels that are out of compliance with County Subdivision Regulations. Adam Haunhorst agreed and directed the Committee to Section 109 of the County Subdivision Regulations.

STAFF RECOMMENDATION:

Staff recommends approval. This would restore the lot to its previous shape, therefore not creating any new non-compliant lots. It complies with the area's comprehensive plan, the conformity to adjoining lots, and its compliance with section 109 of the Allen County Subdivision Regulations.

DCC RESPONSIBILITIES:

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 45 (07-06-21) DCC

Walter Rysz made the motion to approve staff's recommendations and forward said recommendations to American Township for review and action. Seconded by Kevin Cox, motion carried.

5. STAFF RECOMMENDATION: SHAWNEE TOWNSHIP ZONING PETITION (SH-03-21)

Adam Haunhorst reported the applicant is requesting to rezone a parcel located in Shawnee Township from R-IIH Residential to B-II Business to more closely reflect the current usage, as well as restoring the zoning designation that was present at the time of purchase. Public sewer and water are present at the lot listed above. No wetlands, historical, or archaeological factors were found compromising the site. Additionally, the site has no larger environmental concerns, such as the presence of FEMA-identified Special Flood Hazard Areas. Soil data reflects a number of different component parts, including Bount Silt Loam, Pewamo silty clay loam, and Udorthents Loam, none of which are hydric in nature. Adam Haunhorst reported the area proposed to be rezoned totals approximately 2.8 acres. The parcel is landlocked and has roadway access through an easement provided through an

5. STAFF RECOMMENDATION: SHAWNEE TOWNSHIP ZONING PETITION (SH-03-21)
(Continued)

adjoining parcel. As R-IIH and B-II have a frontage requirement of 65' and 90' respectively, neither requirement is adequately met. This parcel is also out of compliance with the county frontage requirements. The property has roadway access on Dixie Highway, which is federally classified as a Minor Arterial Roadway. This roadway experienced thirty-nine (39) traffic crashes over the 2016-2020 period. The roadway is not listed on the access management plan and therefore is not subject to its restrictions. Furthermore, the proposed change from R-IIH to B-II would not have a large effect on the traffic. Adam Haunhorst stated the area in question was not part of the Township when the last comprehensive plan was written, and therefore no long-range plan is present for the area.

STAFF'S RECOMMENDATIONS:

Staff recommends denial of the SH-03-21 rezoning request. A rezoned parcel would create a new spot zone. Additionally, the staff has concerns about the roadway access of the parcel and the effect a future business may have on the adjoining parcels if and when the current owner transfers the property. Regional Planning does acknowledge that this is a unique situation as the property owner had purchased the property when it was zoned for commercial use. The property was rezoned by Shawnee Township as a part of the Fort Shawnee dissolution process. At that time, it was recommended and accepted that this parcel be combined with an adjoining parcel(s) owned by the same owner. That process never took place, and ownership of various parcels has changed in the meantime. Since that time, the usage of the parcel has been misaligned with its zoning but operating legally. Again, the staff recognizes the unique situation presented. However, the responsibility of this agency is to evaluate petitions based upon zoning, land uses, and various other requirements as they exist today. Staff would further remind the Township that this is only a recommendation. The Township certainly has the authority to consider the stipulated mitigating factors when making a zoning determination. Shane Coleman reiterated that staff based its recommendations based on the situation as it exists today and realizes that Shawnee Township can act in whatever manner the Township sees fit. Kevin Cox asked if the property was zoned when it was part of Ft. Shawnee. Mark Bishop replied in the affirmative and stated that the property was zoned M-II Industrial/Heavy Commercial when the fort was in existence and was operated as such. After the dissolution of the fort and during the rezoning process, the staff made a recommendation to keep the property zoned R-II instead of keeping the zoning Commercial. Adam Haunhorst asked if the property was purchased just before the dissolution of the fort and was always used as commercial. Mark Bishop replied in the affirmative. Dave Belton stated that as long as there are no employees at this location, the zoning could stay the same. Adam Haunhorst stated that staff's concern is if the property is zoned B-II and, for example, a grocery store is placed on the property, the amount of traffic could be an issue due to the easement on a neighbor's drive. Kevin Cox stated that the property has no actual access to the roadway. Adam Haunhorst stated that a copy of the old Shawnee Township Comprehensive Plan generalized land use map is included in each packet. This property was not actually part of Shawnee Township when the Comp Plan was written. Therefore, there is no historical designation of what this property was supposed to be. Dave Belton asked what a historical designation has to do with this situation. Adam Haunhorst replied that when the fort was dissolved, and properties were rezoned, many of the parcels were not in compliance with the township zoning. A historical designation allows properties to "get around" not being in compliance with current zoning. Mark Bishop stated that, for example, the Township requires 8-foot side setbacks whereas the fort only required 4-foot side setbacks, the township frontage requires 55 feet, and the fort required 45 feet of frontage. Jerry Gilden asked who made the decision to return this property to an R-II if it was previously Industrial. Adam Haunhorst replied that the RPC

5. STAFF RECOMMENDATION: SHAWNEE TOWNSHIP ZONING PETITION (SH-03-21)
(Continued)

would have made a recommendation, but the decision was ultimately up to the Township. The RPC and the DCC only make recommendations; they do not approve anything. Shane Coleman stated that staff is unsure why similar properties remained zoned Commercial, and this property was rezoned residential after the dissolution of Fort Shawnee. Dave Belton stated that when the fort was dissolved, there was quite a mess with the amount of spot-zoning as well as other zoning issues that the Township had to try to address. Kevin Cox stated that he wondered why it did not remain Commercial if that area was already mostly zoned Commercial. Adam Haunhorst replied that staff is not sure, and if one looks at the land use map, most of the properties within that area are zoned Commercial. Shane Coleman stated that this is just the staff's recommendation and the Township is more than welcome to make a decision based on what it feels is best for the Township. Dave Belton asked where is the easement for this property. Adam Haunhorst replied that he did not have the name of the property owner handy but that he believed that the easement splits this property and the property directly to the south down the property line. Dave Belton stated that another issue with the zoning in the former fort was the sizes of the lots; many lots were double or triple lots. Kevin Cox asked if this property has access to water, sewer, electrical, etc. Adam Haunhorst replied in the affirmative. Kevin Cox asked if the Township is concerned that a store of some type may be built on the property. Mark Bishop replied that the property owner is building an accessory structure on the back of the property, and the new structure does not fit in with residential zoning. The property owner had asked Mark Bishop how it was possible the structure was not compliant with current zoning as his property was zoned Commercial. He was surprised when he was informed that the property is zoned Residential. Walter Rysz stated that he concurred with the staff's concern being the only access to the property is through a residential area. Jerry Gilden asked how many acres this property is. Adam Haunhorst replied the property is 2.8 acres. Kevin Cox asked if the zoning is predominately Commercial, why is there an issue with changing the zoning. Adam Haunhorst replied that the property owner is adamant that the property be rezoned back to Commercial as he believes it will greatly increase the value of the property. Kevin Cox asked if the property owner wants to sell the property. Adam Haunhorst replied that he believes the property owner does not want to sell the property.

DCC RESPONSIBILITIES:

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 46 (07-06-21) DCC

Kevin Cox made the motion to approve staff's recommendations and forward said recommendations to Shawnee Township for review and action. Seconded by Walter Rysz, motion carried with one opposition (Jerry Gilden) and one abstention (Mark Bishop).

6. OTHER

a. In-Person Meetings

Shane Coleman stated that some comments were made pertaining to in-person meetings and few items on the agenda(s). Some items are time-sensitive, but staff will attempt to hold back items, if possible, in order for there to be more than one item on the agenda(s). Shane Coleman stated that due to the pandemic, the Committee was receiving information ahead of time and asked if the Committee would like to receive the

6. **OTHER**

b. **In-Person Meetings** (Continued)

information before meetings. The Committee replied that they would like to be able to review the handouts before the meeting. Chuck Schierloh stated that he would like the maps and aerial overlays to be posted on the screen in the conference room during the meeting. Chuck Schierloh asked if the staff anticipates another meeting in two weeks. Adam Haunhorst replied that his working on an item for the next meeting and believes that there will be at least one more item on the agenda.

6. **ADJOURNMENT**

Motion 47 (07-06-21) DCC

Steve Ewing made the motion that the meeting is adjourned. Seconded by Kevin Cox, motion carried.