



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 Ms. Beth Seibert  
Ms. Kim Stiles Mr. Dave Stratton

FROM: Mr. Chuck Schierloh, Chairman

DATE: August 3, 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, August 3, 2021** at **3:00 p.m.** in the Conference room of the Commission office located at 130 W. North Street, Lima, Ohio. A zoom Link will also be provided for those not able to attend the meeting in person. Only Members attending in person will be able to cast a vote.

The agenda will be as follows:

1. Roll Call
2. Approval of Agenda
3. Approval of DCC Minutes – July 6, 2021
4. Staff Recommendation: Construction Drawings Country Aire Subdivision
5. Staff Recommendation: Bath Township Zoning Petition (BA-01-21)
6. Other
7. Adjournment

**To comply with Ohio Sunshine Laws, all Committee meetings will now be in-person. 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: Ken Meyer, Bath Township Zoning Inspector; Bath Township Trustees; Craig Mescher P.E., P.S.

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

**DEVELOPMENTAL CONTROLS COMMITTEE**

**August 3, 2021**

There was a meeting of the **Developmental Controls Committee** of the Lima-Allen County Regional Planning Commission held on **Tuesday, August 3, 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 – July 6, 2021
4. Staff Recommendation: Construction Drawings Country Aire Subdivision
5. Staff Recommendation: Bath Township Zoning Petition (BA-01-21)
6. Staff Recommendation: Sugar Creek Township Zoning Variance (SC-V02-21)
7. Other
8. Adjournment

A quorum being present, Chuck Schierloh brought the meeting to order and proceeded with the agenda.

**1. ROLL CALL**

Mr. Brad Baxter	Bath Township
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. Beth Seibert	Allen County
Ms. Kim Stiles	Allen County

**GUESTS**

Mr. Keith Brickner	American Township
Mr. Craig Mescher	Access Engineering
Mr. Ken Meyer	Bath Township
Mr. Ron Meyer	Allen County Engineer's Office

**STAFF**

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

**2. APPROVAL OF AGENDA**

**Motion 48 (08-03-21) DCC**

Walter Rysz made the motion that the agenda be approved. Seconded by Mark Bishop, motion carried.

**3. APPROVAL OF DCC MINUTES – July 6, 2021**

**Motion 49 (08-03-21) DCC**

Kevin Cox made the motion that the DCC minutes of July 6, 2021, be approved. Seconded Brad Baxter; motion carried.

**4. STAFF RECOMMENDATION: CONSTRUCTION DRAWINGS COUNTRY AIRE SUBDIVISION**

Adam Haunhorst reported that Mr. Craig Mescher, P.E. of Access Engineering Solutions, submitted the construction drawings for the proposed Country Aire Estates Subdivision Expansion 5-C on June 28, 2021. The project is located in American Township, SW ¼ of Section 21, and reflects 26 lots on approximately 6.971 acres. Chancellor Drive provides access to the development.

The proposed development will be built to the north of the existing subdivision to the west of Chancellor Drive. The developer has had a good history of subdivision creation and has strived to follow the subdivision procedures throughout history. The Construction Drawings were submitted as per Section 302.4, which establishes a 24-month expiration period for such plans. The recessionary period precluded further development until now.

The DCC will review this submission for the first time today, 08-03-2021, but has been made aware of the development at previous meetings. At the time of this recommendation, Lima Allen County Regional Planning Commission has provided plans to all relevant local agencies. In addition, it has provided time in which to comment on the drawings. All comments are attached to this recommendation.

Several parties have provided comments relative to the proposed Country Aire Estates Subdivision expansion. These Comments include such items as the stormwater and sediment control plan and calculations (section 302.4.1.3), The construction details sheet (Section 302.4.1.7, Roadway right of way (Section 302.4.1.2), Right of ways as they pertain to existing utilities (Section 302.4.1.2), Site plan contours (Section 302.4.1.2), Existing site conditions (Section 302.4.1.2), site plans centerline and stationing (section 302.4.1.4), Plan and profile curve data (Section 302.4.1.4), Need some additional cross-sections (Section 302.4.1.5), and cross-sections missing manholes and catch basins (Section 302.4.1.5.2). Other agencies have also provided some specific design concerns that do not pertain to any one section in particular. The exact requests can be found in the attached comments. LACRPC agrees with all of the comments provided by these agencies and would require each to be satisfactorily addressed before the subdivision approval moves forward to the next stage of development.

Mr. Kevin Cox asked for clarification of the status of plan approval. Mr. Haunhorst responded that construction plans had not been approved and that the purpose of today's meeting was to review the plans and comments from all reviewing agencies.

Mr. Craig Mescher of Access Engineering remarked that 90% of the comments from the reviewing agencies could be adjusted in short order. He also expressed concern over the remarks from Richland Engineering regarding street and sidewalk widths. He wanted to ensure that previous conversations relative to variances allow both to match earlier phases and remain the same. Mr. Adam Haunhorst indicated Richland Engineering had provided an independent review and was not a party to the variance discussions. Mr. Haunhorst relayed

**4. STAFF RECOMMENDATION: CONSTRUCTION DRAWINGS COUNTRY AIRE SUBDIVISION**

there is a paper trail for those discussions, and the variances will need to be granted before construction.

Finally, Mr. Mescher indicated he spoke with the Allen County Engineer's Department regarding the stormwater questions as this will be the only real outstanding issue to remain. He was seeking clarification on what ACEO was requesting as part of the third-party stormwater review. ACEO was awaiting further information from Richland Engineering before fully understanding those requests. The developer is hoping to move forward as quickly as possible.

Mr. Kevin Cox questioned the comments relative to sidewalks and the issue of width. Mr. Haunhorst relayed that it is the understanding of LACRPC that ACEO is willing to approve a variance to allow the sidewalk widths to match those of the previous phases. Ron Meyer, ACEO, confirmed the same. Mr. Jerry Gilden questioned the widths of the proposed right of way and the proposed widths of the final roadway and sidewalk.

Mr. Jerry Gilden questioned staff about conditional approvals and when the clock starts for the developer. Staff reminded the committee that conditional approval was given to the Overall Development Plan. The approval was contingent upon all of the comments being addressed within a 30-day timeframe. The developer then gets 36 months to get construction drawings approved. Mr. Haunhorst indicated the process is based upon the previous action taken by LACRPC and DCC.

**STAFF RECOMMENDATION:**

The staff has discussed the additional comments provided to LACRPC and has determined each must be resolved prior to the commencement of construction. With that in mind, the staff recommends denial of the Construction Drawings until such time as all comments have been adequately addressed, that is to say to the satisfaction of all pertinent agencies. The construction drawings will be fully approved upon the resolution of all comments. The Construction Drawings will be valid for a period of 24 months commencing upon the day of final approval.

**DCC RESPONSIBILITIES:**

The Developmental Controls Committee has the responsibility to (1) approve the construction drawings for Phase 5-C of the Country Aire Estates Subdivision as submitted under the condition that all comments be addressed within 30 days of DCC approval (2) deny the construction drawings as submitted on cause; or, (3) at the request of the developer table a decision until the next regularly scheduled meeting of the Developmental Controls Committee to allow certain issues to be resolved.

**Motion 50 (08-03-21) DCC**

Brad Baxter made the motion to approve the staff's recommendation to deny the construction drawings until such time that all comments have been addressed. Seconded by Kevin Cox, motion carried.

**5. STAFF RECOMMENDATION: BATH TOWNSHIP ZONING PETITION (BA-01-21)**

Adam Haunhorst reported the applicant is requesting to rezone a portion of one (1) parcel located in Bath Township from RU Rural District to R-1 Residential to facilitate the proposed Lost Creek Subdivision development. Both public sewer and municipal water are present throughout the site. No wetlands, historical, or archaeological factors were found compromising the site. A FEMA identified special flood hazard area is present within the site's boundary. Still, all construction activities should be outside of that area. Soil data reflects several different parts, including Glynwood-Urban Land Complex, Glynwood Clay Loam, Shawtown Loam, and Shoals Silt Loam, some of which are hydric.

The area proposed to be rezoned totals approximately 5.960 acres. The frontage is approximately 1500.0" for the rezoned area; this area would comprise the proposed Lost Creek Subdivision. The property fronts on Lost Creek Boulevard, which is federally classified as a local roadway. This roadway has experienced three (3) traffic crash over the 2016-2020 period. The roadway is not listed on the access management plan and therefore is not subject to its restrictions. Furthermore, with the proposed change from RU to R-1 there should be little to no impact on local traffic as the site is already adjacent to a residential area.

This proposed rezone is in contradiction with the Bath township 2040 Comprehensive Plan. With this in mind, the township has shown a large amount of support for the project. Additionally, the proposed rezoning would not create a spot zone, nor would it seem out of place with the surrounding neighborhood. This proposed rezoning would help utilize an otherwise vacant golf course and provide more housing to residents.

Mr. Kevin Cox asked if the proposed subdivision is located in the floodplain. Mr. Haunhorst responded that the parcel(s) are in the flood zone; however, all of the actual construction is outside the floodplain. Mr. Jerry Gilden asked how far outside the floodplain construction would occur. Staff indicated that those distances varied by parcel. Mr. Haunhorst reminded the committee that the development is still in the overall development phase and that no construction drawings have been submitted to the commission. Ms. Seibert further asked about the approximate size of the lots. Mr. Haunhorst indicated they are roughly one-third to a one-half acre each.

**STAFF'S RECOMMENDATIONS:**

Staff recommends approval of the BA-01-21 rezoning request. This rezoned parcel would facilitate the development of the proposed Lost Creek Subdivision. While this does contradict the township's 2040 comprehensive plan, the township has expressed its interest in this project. Additionally, this rezone does not create any other conflicts with the surrounding area.

**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 the cause; or (4) at the request of the petitioner table a decision until specific issues can be resolved.

**Motion 51 (08-03-21) DCC**

Steve Ewing made the motion to approve staff's recommendations and forward said recommendations to Bath Township for review and action. Seconded by Jerry Gilden, motion carried.

**6. STAFF RECOMMENDATION: SUGAR CREEK TOWNSHIP ZONING VARIANCE (SC-V02-21)**

Adam Haunhorst reported the subject parcel is owned by Sunny Hills Farms INC. of Lima, Ohio. The 64.1-acre parcel has access along Gomer Road. The owner is interested in splitting off a 0.265-acre parcel to the Allen County Commissioners to facilitate infrastructure development for a sanitary sewer pump station. This land division would leave a remainder of approximately 63.835 acres. This parcel is undersized for both Sugar Creek Township and Allen County minimum land requirements, 2 acres, and 0.5 acres, respectively.

Staff cannot approve this land division while it is not in compliance with township or county regulations. Staff discussed the non-compliance related to both Allen County and Sugar Creek Township and concluded the land division could not be completed until the issuance of a variance. Typically, in cases where the proposed parcel would violate both township and county zoning standards, a variance at both levels of government would be necessary. However, because this division is serving the public's best interests, it only requires a county variance. Based on the stipulations described in HB 22, the variance will need to be issued by Lima Allen County Regional Planning Commission.

Mr. Shane Coleman questioned Mr. Haunhorst about a previous variance granted for a similar utility project. Mr. Haunhorst confirmed a variance had been granted for a parcel near Allen East schools for a water project. The lot size requirement in Sugar Creek Township is 2.5 acres.

**STAFF'S RECOMMENDATIONS:**

Staff recommends approval. This decision is based on the fact that the Allen County Commissioners are using the parcel for a purpose in the interest of public safety, health, and well-being and its compliance with section 109 of the Allen County Subdivision Regulations. Therefore, Allen County can issue a variance despite the fact it is also a township violation.

**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 specific issues can be resolved.

**Motion 52 (08-03-21) DCC**

Kevin Cox motioned to approve staff's recommendations and forward said recommendations to Sugar Creek Township for review and action. Seconded by Walter Rysz, motion carried.

**7. OTHER**

None.

**8. ADJOURNMENT**

**Motion 53 (08-03-21) DCC**

Steve Ewing made the motion that the meeting is adjourned. Seconded by Jerry Gilden, motion carried.