



Zoning & Subdivision Committee  
Tuesday, August 11, 2009

The Zoning and Subdivision Committee met in regular session on Tuesday, August 11, 2009, at 1:36 pm at the LUC Office in East Liberty. Zoning & Subdivision Committee Members were in attendance as follows: Brad Bodenmiller, Scott Coleman, Greg DeLong, Wes Dodds, Charles Hall, Paul Hammersmith, Kyle Hanigosky, Heather Martin, Jenny Snapp, Jeff Stauch, and Don Walters. Absent member was Fereidoun Shokouhi. Guests attending the meeting were: Joni Orders from Millcreek Township Zoning Commission and Wade Dunham from Evergreen Land Company.

Scott Coleman chaired the Zoning & Subdivision Committee Meeting.

Minutes of the July 9, 2009, meeting was approved as follows: Paul Hammersmith made the first motion to approve the minutes and Charles Hall made the second motion to approve the minutes. All in favor.

1. Review of New California Hills 10-12 Preliminary Plat Extension in Jerome Township (Union County) – Staff review by Kyle Hanigosky
  - Charles Hall: what's the new cost of the construction of the construction of the turn lane using 2009 figures?
  - Jeff Stauch: we have not run those numbers.
  - Charles: I know there's been a lot of price change in asphalt
  - Wade: we haven't looked at that yet, we didn't realize it was a condition; we just have the 2007 cost estimates; sales are looking good, but we had to buy back some lots previously sold to a developer.
  - Charles Hall made the first motion to approve the extension of the preliminary plat of New California Hills with the noted conditions and Paul Hammersmith made the second motion to approve the extension of the preliminary plat of new California Hills with the noted conditions. All in favor.
  - Charles Hall: What is the length of extension?
  - Wade: Two years
  
2. Review of an Annexation (from Lake Township, Logan County) and establishment of R-1 Single Family Residence Zoning from the City of Bellefontaine at 801 Twp. Rd. 185 /Brennan Road, 8.746 Acres by Hope Community Church – Staff review by Wes Dodds
  - Jenny: Our concern is traffic, we all use it as a cut through and it's curvy and hilly
  - Don: I think traffic is decreasing
  - Scott: I talked to the Trustees long ago when they started clearing the land, and there is one spot where they could potentially have access on



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Director: Jenny R. Snapp

Township Road 185; I spoke with Peter Stolly this morning and they have a meeting tonight, and they are going to discuss it and let us know what their recommendation is. He didn't remember them having a discussion on that previously. I think we should stick with the desire of the township; the other factor is that section is a mess, the properties on the north side of the road are surveyed to the center of the Township Road 185 and the properties on the other side weren't; realistically if there is an annexation it should go all the way to the center of the road right of way.

- Paul: this traffic use or concern sounds like a land use issue; it will be zoned R1, they could build a church there regardless of whether it's annexed there or not; is there any provision for the City of Bellefontaine to do traffic impact management study?
  - Scott: they were working on something in regards to access management but I don't know that they ever adopted it. Don't know that it ever addressed a drive distance from an intersection. I think we should take the Township comments into consideration once it comes in. Would like Jenny to give Peter Stolly a call to follow up tomorrow.
  - Jeff: if the Trustee discussion tonight doesn't address the right of way issues; come Thursday, then what happens?
  - Scott: if they don't have comments by Thursday, LUC could proceed
  - Jenny: it's the City of Bellefontaine so it's informal, they're not required to send it to us
  - Paul Hammersmith made the first motion to table the annexation until the Thursday Executive Committee meeting pending the township comments; Don Walters made the second motion to table until the Executive Committee meeting pending the township comments. All in favor
3. Review of a Zoning Text Amendment from the City of Urbana with the addition of the South West PUD – Staff review by Wes Dodds
- Scott: Where is this? What portion of the city is this?
  - Brad: Just annexed a couple of months ago. South of the college.
  - Scott: Is this a new concept in LUC because before we've seen PUD language, come in and allow a developer to submit PUD requirements; is this common in other areas where a city establishes instead of the developer?
  - Jenny: The only area that where the developer establishes the PUD language is Jerome Township; the issue where the City of Urbana is, they have areas with specific needs; they probably will be submitting other PUD language. It's more a separate overlay area
  - Scott: are there existing gravel pits in that area?
  - Brad: no, but there is interest in doing that
  - Jenny: there is one north of the airport
  - Greg: I agree with you, southwest of what?

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Director: Jenny R. Snapp

- Jenny: will you be mapping a district?
- Charles: is there a map laid out for it?
  - City of Urbana zoning map was shown
- Scott: does Dublin have PUD districts?
- Paul: not really, as they rezone it's always a Preliminary Development Plan
- Charles: is that 36 on the N side of it?
- Greg: in Marysville we don't do this; we have PUD only; our comprehensive plan is the base; developers submit their own zoning code for the development
- Jenny: I think this is the direction Urbana wants to go; they want separate PUD's that are area/site specific
- Paul: unless it's a proposed development we're not going to do a proposed PUD; trying to get to a more conceptual use or zoning?
- Scott: is this really where they wanted to go; if it is, that's fine
- Don: I was confused too
- Jenny: my understanding is to do these PUD overlay areas; there should be more coming in; I don't have a problem with it; my only concern is the area of the residential; need to make sure the reclaim issue is addressed and provide for some buffering
- Greg: one thing to consider is under B, may want to retitle it to Supplemental Information because it's not really about approval, you're requesting additional stuff; this is what we would get after negotiating with a developer?
- Jenny: did the planning commission request this?
- Brad: they did look at it briefly and will look at it more?
- Scott: this may actually be something that you've added to what the developer originally added; you would be accepting this as the developers' PUD?
- Brad: I don't know. The plan is to accept it as the developers PUD but we are working with them on it
- Charles Hall: I would like to know a little bit more about it
- Jenny: we have some questions that we could put to Melanie in the next couple of days
- Paul: pick it back up at the Executive meeting or wait a month?
- Scott: we can provide comments
- Jenny: any city doesn't have to have LUC approval, this is an informal review
- Scott: a tabling?
- Charles: I believe we should
- Jenny: With Bill Edwards being on the Executive Committee he may be able to answer some of these questions as he is on the Urbana Planning Commission.

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- Charles Hall made the first motion to table the Text Amendment from the City of Urbana with the addition of the South West PUD and Jeff Stauch made the second motion to table the Text Amendment from the City of Urbana with the addition of the South West PUD until the Executive Committee Meeting. All in favor.
- 4. Review of Mill Creek Township Zoning Text Amendment with the addition of M-2 Manufacturing District – Staff review by Kyle Hanigosky
  - Joni: When we did the update we had a problem with the company we hired to assist us with the update; the end result with the update we've found several surprises such as this; we didn't purposefully leave out M2, we meant for the M2 to read like the M1 district. This was more of a drafting error which came to light due to several parcels. The M2 parcels are owned by the Rausch Family and Shelly. The Rausch family wanted to put up billboards, but due to the language they couldn't. We attempted to go with what 75% of the Zoning Commission believed and recalled this as a drafting error. That didn't work for a portion of the commission members. We sat down with the Rausch's who wanted the old language put back in. After meeting with council, they understood that what was suggested was better for them than what was previously in the old books. There are still gaps, we're aware of that.
  - Jenny: you do have a M1 district, called Light Manufacturing
  - Joni: we do, we feel that it's more critical to get M2 in the books
  - Greg: any uses prohibited that currently has applications out there?
  - Joni: no, Shelly has been discussing for 5 years that they want to do a transfer station, they have not made an application
  - Jenny: Legally, I'm really concerned that the way the language reads could put you in a legal situation in Section 675D that reads "no additional parcels on land will be rezoned to M-2". When you say that, I wonder what's the point of adopting the M2?
  - Paul: that would resolve the land owner issue that you have because they would be grandfathered?
  - Jenny: did the prosecutor's office give you any guidance on them being grandfathered in?
  - Joni: they said we need to get the M2 language in the books. We are awaiting further information from them
  - Jenny: I remember us having this conversation, and I recall the prosecutor office did advise them to put the M2 back in
  - Paul: if you don't show any future M2 Districts in the comprehensive plan you can do that; but your intent is to not approve any, that's pretty harsh; you can make it difficult to get it; but you are coming out and saying that we're not going to approve it
  - Don: I think it should read "at this time"

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- Jenny: we don't have the answer to this, but our recommendation is to get clarification from the prosecutor's office to prevent ending up in court
- Greg: generally your intent section of the code is not prohibiting
- Jenny: it's a conflict because you have the section that shows what's permitted but then it says you're not going to allow any of this
- Scott: realistically the existing parcels that are zoned M2, are they heavy manufacturing?
- Joni: the quarry; the parcels of land between Industrial Parkway and 33 from Shelly Materials
- Scott: would that all be classified as light manufacturing?
- Joni: it's all agriculture, and undeveloped
- Scott: probably to restrict it as much as possible; using light manufacturing would protect them most
- Jenny: the quarry would be heavy; any new would be EQ
- Don: relegating printing and publishing factories to heavy manufacturing, but a great majority of the printing is done electronically and has nothing to do with heavy manufacturing and they really need to start explaining the difference in the zoning codes; it's always just lumped together and needs to start being addressed
- Jenny: you don't list prohibited uses in any other districts, correct?
- Greg: can you make it more generic?
- Joni: we have that as a general comment at the beginning of the districts
- Jenny: the other part of that is just because they are requesting it is you don't have to recommend it be approved
- Joni: Our meeting is August 20
- Jenny: I understand the short term concern, but the long term concern is you could have more legal issues based on this language
- Greg: if we adopt this and someone makes an application and the language that is missing isn't there, then what?
- Jenny: did the whole billboard issue get resolved?
- Joni: yes, they are erecting billboards
- Jenny: if we're honest about this, it sounds like they want to keep their options open to their land in case they want to sell for manufacturing purposes
- Paul: should we wait for the prosecutor's office?
- Jenny: they are in the ORC process, they have to have a recommendation
- Charles: how does Jerome stand on the billboards? Do we have a mixed message going down the freeway?
- Jenny: I always thought billboards on the interstates were regulated by ODOT
- Charles: depends on the setback
- Don: state controls how close, but jurisdiction controls if they are allowed

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- Wes: I don't think we're doing our part to protect the jurisdiction if we approve a document that is not complete
  - Jenny: you've (the township) has already had a meeting; are you guys really wanting to act on amendments that are not complete?
  - Joni: I was not able to attend that public hearing; the trustees have set their public hearing for the beginning of September
  - Paul made the first recommendation of denial of the Mill Creek Township Zoning Text Amendment with the addition of M-2 Manufacturing District on the basis of needing further guidance of the prosecutor and finalization of the language as recommended in the staff report, comments made by the zoning and subcommittee members and recommend the township work with LUC on model language.
    - Jenny: we have been working with them, and have been giving them our comments
  - Don Walters seconded the motion of denial of the Mill Creek Township Zoning Text Amendment with the addition of M-2 Manufacturing District on the basis of needing further guidance of the prosecutor and finalization of the language as recommended in the staff report, comments made by the zoning and subcommittee members and recommend the township work with LUC on model language.
  - All in favor
  - Jenny: Additionally, our review came in the wrong step in the process; it really is supposed to come here before the Zoning Commission's public hearing
5. Review of Zoning Amendment Checklist Forms – Jenny Snapp
- One of our complaints is that we receive zoning changes with no direction advising us as to what the changes are. We will just receive a stack of papers with no guidance. This is something we feel will help the townships. They need to be aware of where they are in the ORC process. This is the information we need to review. Do you have any comments or suggestions that you feel we are missing.
  - Paul: Zoning Parcel Amendment, zoning?
  - Jenny: we have two amendments that come from townships parcel and text
  - Scott: Do we want to say somewhere that the meetings are held on a particular day?
  - Jenny: we added that on the first page
  - Scott: so they will need to schedule the hearing 30 to 40 days out?
  - Jenny: in most cases we've been accommodating with those time frames; however when we get something that's a huge bulk mailing with a stack of amendment changes, we need time to review
  - Don: I'm surprised that you can get it done in 10 days

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- Scott: the one comment I had was do you want there to be a place for the dates instead of checkboxes?
- Kyle: the items should all come in on one day otherwise it's still complete, and we'll date stamp the items received
- Don: plus it keeps it simple for you guys, it makes it easy to see that you have; thinks it's a good idea
- Greg: what's contiguous?
- Jenny: the ORC says they have to send information to the contiguous or adjoining; maybe we need to say contiguous parcels
- Paul: is the checklist going to be the box you show here? Or the whole form?
- Don: should you possibly consider putting something together almost like a permit packet advises them of what they need to do?
- Jenny: they should know by now what they need to do; they need to take responsibility on their part to understand it
- Greg: Fees, if applicable should be added
- Jenny: there could be a case that we have a non-member, add Non-LUC member fee, if applicable
- Don: do you ever get request from people to do things that are of this type not within the 3 counties?
- Jenny: no
- Greg: what about just the informal reviews, like with the cities?
- Brad: I'd still like you to do the sheet, it would help me; I think it would be a good idea
- Charles: we've had two questions come up, that if we had someone connected with them here to answer questions; it would have taken this off the board
- Don: can we require them to attend?
- Charles: can't require but would make it easier
- Jenny: generally we copy the people involved on the emails that we send out
- Jenny: I didn't want it to be too harsh, is it okay?
- Kyle: when we send this out, we will include a letter explaining it, even though they should know that's what they need to complete
- Scott: do you want to put on here that we would encourage and recommend that someone attend the zoning and submission committee meeting?
- Charles: things seem to be getting more and more complicated; more details have to be put on
- Updated forms will be provided at Thursday's meeting.

The Zoning and Subdivision Committee adjourned at 2:54 pm with Paul Hammersmith making the first motion to adjourn and Jeff Stauch making the second motion to adjourn.

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