



Zoning & Subdivision Committee

Tuesday, November 10, 2009

The Zoning and Subdivision Committee met in regular session on Tuesday, November 10, 2009, at 1:34 pm at the LUC Office in East Liberty. Zoning & Subdivision Committee Members were in attendance as follows: Brad Bodenmiller, Greg DeLong, Wes Dodds, Paul Hammersmith, Kyle Hanigosky, Jenny Snapp, Heather Martin, Fereidoun Shokouhi, and Jeff Stauch. Absent members were Scott Coleman, Charles Hall, and Don Walters. Guests attending the meeting were John Chico, Mad River Engineering; Dave Duff; Earl Newell, Johnson Township; Michael Dinneen, AGG; Kathleen Crowley, Jefferson Township; and Joni Orders, Millcreek Township.

Greg DeLong chaired the Zoning & Subdivision Committee Meeting.

Minutes of the October 6, 2009, meeting was approved as follows: Fereidoun Shokouhi made the first motion to approve the minutes as written and Paul Hammersmith made the second motion to approve the minutes as written. All in favor.

1. Review of Zoning Text Amendment in regards to Temporary Buildings, in Jerome Township (Union County) – Staff review by Kyle Hanigosky
 - Brad – that seems like a wiser decision to not send someone to the BZA
 - Greg – I agree, felt it wasn't necessary to send someone back to the BZA
 - Kathleen – the BZA doesn't have authority to do statutory extensions; we wanted to make it so the building inspector could issue it
 - Fereidoun Shokouhi made the first motion to approve the staff recommendation of the modified recommendation and Brad Bodenmiller made the second motion to approve the staff recommendation of the modified recommendation. All in favor.
2. Review of Longview Cove Preliminary Plat, located in Richland Township (Logan County) – Staff review by Kyle Hanigosky
 - Jenny – Has the zoning amendment and variances been initiated yet?
 - Dave – they voted in our favor; they are supposed to be sending it to us
 - Jenny – I'm more concerned about the zoning amendment which they would have done; so you did the zoning change? It's not going to be valid unless it comes through our office and receives approval; if we haven't reviewed it officially, it invalidates the zoning amendment.
 - Dave – we asked for the zoning change and they gave approval
 - Jenny – I'll talk to the prosecutor to give the heads up and have him let them know the correct procedure



Logan-Union-Champaign regional planning commission

Director: Jenny R. Snapp

- Dave – In regards to the channel, I made an agreement for a two year renewable lease; it will be our responsibility to keep it clean and that will be part of the homeowner's association fee; I don't have a copy of the state agreement with me
 - Fereidoun – What is the length of the proposed cul-de-sac?
 - John – It's 2263 feet
 - Jeff – Did the fire official have a chance to comment on that?
 - John – the only thing they said is they want at least one dry fire hydrant available; it will be by the boat docks to allow them room to maneuver
 - Fereidoun – Therefore the fire and emergency has responded
 - John – yes
 - Greg – Did you submit that when you went for your variance?
 - Dave – we just have verbal from the township trustees
 - Jenny – All Scott's comments were addressed?
 - Kyle – yes
 - Jenny – You need to make sure the zoning has happened
 - Greg – If people go through all the engineering for their drawing but they don't get their zoning approved, they're out a lot of money
 - Jenny – We need to go through this issue with the Zoning Regulations to determine the correct time to do this. Right now we're saying it has to be approved by the final plat, but we may want to reconsider that.
 - Charles Hall made the first motion to approve the staff recommendation of approval with the conditional approval and Fereidoun Shokouhi made the second motion to approve the staff recommendation of approval with the conditional approval.
3. Review of Zoning Text Amendments in regards to Small Wind Turbines, Rush Township (Champaign County) – Staff review by Jenny Snapp
- Brad – Melanie suggested there be a section that suggests that all wind turbines meet FAA guidelines
 - Charles – the FAA can, if it's in the scope of the airport, they can deny it and keep it from being built; I think FAA has full control over it
 - Paul – they have a part that they deal with it for hazardous, a Part 70 they have to go through; they're not going to change the approach
 - Charles – if it's close to the airport, they can control it
 - Jenny – I don't mind adding the comment to the language, but what we have should cover it
 - Fereidoun – zoning does not override any Federal regulations; there is no limit for federal or state agency that has the authority to allow it;

9676 E. Foundry St, PO Box 219
East Liberty, Ohio 43319

• Phone: 937-666-3431 • Fax: 937-666-6203

• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com



Logan-Union-Champaign regional planning commission

Director: Jenny R. Snapp

- Greg – by putting the statement in here you’re just informing them
 - The recommendation is to add a sentence to follow FAA guidelines
 - Greg – are you going to add a line for the clear fall lines at this time in regards to utility easements?
 - Jenny – Yes, it needs to be in there, so I’ll add it
 - Fereidoun – you’re going to put an easement of overhead utility lines?
 - Paul Hammersmith made the first motion to approve the staff report of approval with the addition of adding a sentence about following FAA regulations and adding a clear fall zone of overhead lines and Jeff Stauch made the second motion to approve the staff report of approval with the addition of adding a sentence about following FAA regulations and adding a clear fall zone of overhead lines.
4. Review of Zoning Text Amendments in regards to Small Wind Turbines, Johnson Township (Champaign County) – Staff review by Kyle Hanigosky
- Decibel levels
 - Jenny – for the decibel levels it’s dependent on the township; some townships may have the equipment to measure it
 - Fereidoun – for my perspective it depends on who does the work; the person who needs to do it needs to be certified; it should be up to the person applying for the turbine and when they submit for the turbine, they should supply the certification
 - Jenny – it depends on the level of sophistication; if a neighbor is complaining about the noise it’s going to be up to the zoning inspector to measure it
 - Fereidoun – that was part of our discussion, is the township going to buy the equipment, and certification? That’s why we determined to shift that responsibility. If they want to put it in that they want it, you need to put it in as to who’s going to pay for it, how they’re going to monitor it and enforce it.
 - Jeff – how do you establish a base line, is there anyone that puts it in the text?
 - Jenny – when we first talked about the model language, there’s a lot of factors, and to do that it has to be done during different time periods of the day; personally I think it’s more of a value judgment by the township if they know they can do that
 - Paul – are we okay with what Rush Township has? I’d be more comfortable suggesting what Rush Township has than what Johnson Township has requested, it’s more enforceable.
 - Earl – is the recommendation to remove that?
 - Paul – not to remove it, but to modify it

9676 E. Foundry St, PO Box 219
East Liberty, Ohio 43319

• Phone: 937-666-3431 • Fax: 937-666-6203

• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com



Logan-Union-Champaign regional planning commission

Director: Jenny R. Snapp

- Fereidoun – are they willing to spend the money and resources on this, are they comfortable with that?
 - Kyle – I explained it to them
 - Fereidoun – you get if this is accepted, then you’re stuck with the neighbors asking you to monitor it, and then the township can be held negligent on following through. I want to make sure they know what they’re asking for, for their own protection.
 - Greg – we didn’t know what the L90 means?
 - Jenny – did they feel like they could go out and measure it?
 - Earl – we felt it was like a light amendment that we have
 - Fereidoun – the illumination is totally different; but we’re talking about that technology and expertise to establish, it’s very challenging and very extensive. We want to make sure the township knows. If they’re willing to bring in the equipment and follow through, we should approve that and recommend that. But they need to be aware that they are subjecting themselves to a substantial cost and training, and the person who has to work with that has to have extensive training.
 - Jenny – and if you try to go that way and get the equipment and training, you may want to rethink your permit cost for this due to the extra work based on the township
 - Brad – I also think a line about making sure the turbines aren’t a hazard for FAA
 - This is already included in the text
 - Greg – are we still comfortable with the post/pre measurement
 - Jenny – I think what we do it as a precautionary note
 - Fereidoun – we have representation; would it be proper that we ask the township to take that in consideration and we move on it; you take it back and explain what we want and make sure that they understand; if you’re willing to do that, I’d like to see a motion to table it
 - Jenny – I’m not sure they’re going to want us to table it
 - Earl – we have a public hearing already scheduled for this; but I see the red flag and I see where that could be reason enough for the trustees to defeat it
 - Kyle – what if we just note that in with our recommendation
 - Earl – we can make that adjustment
 - Paul made the first motion to approve the staff recommendation with the cautionary note about the decibel level and cost and Charles Hall made the second motion to approve the staff recommendation with the cautionary note about the decibel level and cost. All in favor.
5. Review of Zoning Text Amendments in regards to M-2 Manufacturing District, Millcreek Township (Union County) – Staff review by Kyle Hanigosky

9676 E. Foundry St, PO Box 219
East Liberty, Ohio 43319

• Phone: 937-666-3431 • Fax: 937-666-6203

• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com



Logan-Union-Champaign regional planning commission

Director: Jenny R. Snapp

- Section 6675, will be left the way it was written as a primary use
- Jenny – do you have an architectural review board?
 - Joni - no, we wanted to but we don't
- Jenny – stationary, which do you mean?
 - Joni – we mean paper
 - Jenny – could that fit into the printing and publishing?
 - Joni – yes, it could
 - Jenny – what if it was printing, publishing and stationary?
Combine it? That term needs some clarification, do you mean printing and publishing or do you mean stationary products
- Jenny – in the introductory paragraph, we feel that some of the permitted uses are not low impact, low scale; some could be interpreted as heavy; if you look at some of the permitted ones they may not be considered small scale, low impact
 - Greg – I felt when I read it that it didn't fit with some of the permitted usages; some of this could get loud and noisy
- Jenny – who determines what is architecturally attractive? Maybe include some standards as to what you're looking for
 - Greg – don't you have standards for your commercial? What we do in Marysville is only control the office portion
- Jenny - Specialty manufacturing – that term is really loose and could allow what you're trying to prevent
 - Joni – We're looking at injection molding, type of things
- Jenny – 6752, desired characteristics, can be interpreted as pretty vague;
- Jenny - on adult entertainment add the section number
- Jenny – at the asterisk, add they should follow the Union County Access Management Regulations
- Greg – 6759, letter B, does the side yard abut a road or is a front yard?
 - Joni – in a situation where it's a corner lot it abuts two roads
 - Greg – I couldn't really understand what your code says comparing yards and frontage
 - Brad – if you refer to the definition, it's covered, if they change the definition
 - Joni – we look at it as you're address is your front yard and then you have side yards
 - Jenny – take it back to the board, and they need to refer to the lot frontage definition
- Michael – I need to find out if this will allow or not allow us?
 - Jenny – that's a valid point because Shelly is already zoned M2 and that could be a continued issue
 - Joni – they are one of two properties that are zoned M2
 - Michael – we want to set up a transfer station at Shelly because it's a prime location. Technically by state code I could be considered a

9676 E. Foundry St, PO Box 219
East Liberty, Ohio 43319

• Phone: 937-666-3431 • Fax: 937-666-6203

• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com



Logan-Union-Champaign regional planning commission

Director: Jenny R. Snapp

waste. If I'm transferring material, I may need an air permit sometime in the future, which would then make me prohibited.

- Jenny – this brings us back to the sign issue, once you open that to one, you'll have to always be justifying that; the other part is that Shelly has been there, and has been zoned, and there could be side uses that are related to that
- Paul – what if you add solid waste recycling to the use; you don't want a true solid waste district there, but I don't think your intent is to prohibit what this company is trying to do
- Jeff – some of that probably goes on now, construction debris, asphalt, concrete, fill material;
- Paul – when you say construction debris?
 - Michael – tore down structures, sheet material, all of that type of material
- Jenny – is there a way to put with an exception to? Joni, you need to talk to the zoning group and Michael, your group could be there.
- Paul – I think we've just raised issues that Joni needs to go back to her group to discuss
- Paul Hammersmith made the motion to approve the staff report of approval with the addition of the recommendations of the Zoning and Subdivision Committee and Charles Hall made the second motion to approve the staff report of approval with the addition of the recommendations of the Zoning and Subdivision Committee.

6. December Zoning & Subdivision Committee Meeting Change of Date

- The meeting will be held on Thursday instead of Tuesday. A time will be sent out once the agenda is determined.

The Zoning and Subdivision Committee adjourned at 3:13 pm with Paul Hammersmith making the first motion to adjourn and Brad Bodenmiller making the second motion to adjourn.

9676 E. Foundry St, PO Box 219
East Liberty, Ohio 43319

• Phone: 937-666-3431 • Fax: 937-666-6203

• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com