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Zoning & Subdivision Committee

Tuesday, August 10, 2010 1:30 pm

The Zoning and Subdivision Committee met in regular session on Tuesday, June 8, 2010, at 1:32 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, Heather Martin, Fereidoun Shokouhi, Jenny Snapp, and Jeff Stauch. Absent members were Don Walters and Andy Yoder. Guests attending the meeting were: Dan Semiac, Civil Design Engineering; Thom Ries, Terrain Evolution; Kathleen Crowley, Jerome Township; John Strapp, Liberty Township; Bill Narducci, Union County Engineer's Office.

Scott Coleman chaired the Zoning & Subdivision Committee Meeting.

Minutes of the June 8, 2010, meeting was approved as follows: Jeff Stauch 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 Darby Braeside Preliminary Plat *Extension*, Darby Township, Union County – Staff Report by Jenny Snapp
  - Dan – Can the Engineer's Office acknowledge that some of the items have been taken care of?
  - Bill – We noticed that some of the items have been taken care of.
  - Fereidoun – How many extensions can they get?
  - Jenny – That is not addressed in the Subdivision Regulations so they can continue to apply.
  - Fereidoun – Do you have an idea when it will be started?
  - Dan – The developer will not do until it is economically feasible.
  - Fereidoun – What if something changes on the zoning, what will we do?
  - Jenny – We have requested that we receive a letter from the Township saying that all zoning is met when the Final Plat is submitted.
  - Fereidoun Shokouhi made the first motion to approve the Darby Braeside Preliminary Plat Extension with the condition that all comments from reviewing agencies and staff are incorporated into the construction drawings and final plat. In addition, comments from the original review of August 2008 must be included. Charles Hall made the second recommendation to approve the Darby Braeside Preliminary Plat Extension with the condition that all comments from reviewing agencies and staff are incorporated into the construction drawings and final plat. In addition, comments from the original review of August 2008 must be included. All in favor.



2. Review of Jerome Village *Amended* GPN-2 Preliminary Plat, Jerome Township, Union County – Staff Report by Jenny Snapp
  - Jeff – For site distance around curves, around street trees, will there be parking restrictions throughout the neighborhoods?
  - Thom – Yes because the street width doesn't allow for street parking, it'll only be driveways. Similar to the signage for GPN-7.
  - Paul – When I read through the staff report, I was concerned about the number of variances being requested. Are these being requested because there's a hardship that makes them unable to be overcome?
  - Thom – The configuration with the 100 foot radius does provide better road geometry for additional lots that we acquired.
  - Paul – It would be more abnormal than they already are with the 150 foot radius? I'm not finding a hardship. I find it hard to believe that a 28 foot street doesn't provide street parking. What about event parking, where are they going to park? I don't think you're going to restrict parking on both sides of the street.
  - Jeff – Then it becomes an enforcement issue
  - Paul – My suggestion to the Commissioners is not to grant those variances, it's going to become a nightmare. I think Jenny was nice with the recommendation of cautionary approval.
  - Jenny – In my eight years I've been here we've only had one variance to the Subdivision Regulations granted until Jerome Village came around. I don't want to see us get in the habit of creating new standards.
  - Fereidoun – The standard is up to the county commissioners, I believe that we need to invite all the Commissioners to a Subdivision Regulation meeting. I think we need to have an internal meeting with Commissioners. In matter of having those variances, it is an issue.
  - Bill – Terrain and I have gone through and looked at where the 100 foot radius would apply; the newest one that was added was not given to our office for review which threw up a red flag. With this fourth one it seems we're creating a new standard.
  - Fereidoun – the variances have not been approved? Why are we discussing this, why are we addressing it?
  - Kathleen – This board doesn't have the authority to address them.
  - Scott – In the Subdivision Regulations, it states that the Board should not take any action until the variances are approved but it doesn't clarify what stage it is, final or preliminary. There are other questions about the variances process and other standards. Can the Engineer grant variances to the Technical Design Standards if it's not part of the Subdivision Regulations and the Commissioners only approve Subdivision Regulations.
  - Jeff – The cautionary approval is another question to deal with, if the variances is not something we want to approve, can we move ahead with



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- cautionary approval understanding that Bill's other comments will be addressed prior to final approval?
- Jenny – My cautionary approval is again saying make sure the Subdivision Regulations are met before plat submittal; this is something we struggle with on this development every time.
  - Paul – You're comfortable with a cautionary approval?
  - Jenny – Yes
  - Bill – In this particular case, the radius is in the Technical Design Standard and if they don't comply then that would change the entire plat.
  - Jenny – The subject of variances is in the Subdivision Regulations, regardless of Technical Standards.
  - Paul – Variances should be dealt with before approval because changes could happen.
  - Jenny – Which could require another plat amendment depending on how the variances are approved
  - Kathleen – That's the risk the Developer takes
  - Fereidoun – We are in the process of updating the Subdivision Regulations and this is something that should be updated. We would be required to meet again and have that discussion again on something that is required before hand. It's inefficient.
  - Scott – Does Union County have a motion?
  - Jeff – We're stuck because stepping back we might view the first three variances differently, on the request for the radius but once we saw the continual request pattern on a fourth, that's what causes the concerns. In fairness to Thom, we approached the first three variances as a case by case situation that we could work with. This is your chance to fix the geometry and make it correct. If we're doing an ODOT design and we don't expect it to change, the variances should be few and far between. We're going to work with Thom on that.
  - Thom – Obviously the three radii that were on the previous view of the preliminary plat, in discussion between Terrain and the County Engineer's office the major component of the 150 foot radius was based on site distance; that's why we took the liberty to put that radius in because of previous discussions, the major criteria was the site distance which is the same as the previous. Unfortunately we didn't submit the documentation because it's the same curve and site distance which met the county standard.
  - Bill – That's absolutely true, a variance in my opinion, is not a blanket new standard, it was looked at on a case by case basis
  - Paul – Am I correct that what you're saying is you approved one so they made it their standard?
  - Charles – But then you start making a new standard and I don't want to go there.

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- Bill – Especially when the reason is to allow for another lot, which isn't necessarily the case on the other three.
  - Paul – It's not a hardship in my opinion
  - Jeff – None of the variances have been approved
  - Jenny – I included this on the staff report, I didn't feel that it was a hardship to get another lot or two
  - Jeff – From here on out we are saying that they have to meet the regulations and they have to have variances taken care of before submittal.
  - Jeff made the motion to recommend denial of the preliminary plat of GPN-2 based on the variances not being approved and Charles Hall made the second motion.
  - Thom – With respect to previous approvals obtained on GPN-2, will it make any difference to the recommendations if this particular curve is revised to the 150 and the lot that was obtained is eliminated? Since the previous three curves, although not officially approved through Union County, revising the fourth curve back to 150 and eliminating the lot.
  - Jeff – How much of a difference will it make to change the radius to 150?
  - Thom – It'll change significantly, it'll shove the required widths on those required lots south and shuffle the entire road lots if all the curves are made 150 and will affect the frontage of lots.
  - Jeff and Charles withdrew the motions for denial.
  - Terrain Evolution as a representative of the Jerome Village Company request tabling of the GPN-2 Preliminary Plat.
  - Paul Hammersmith made the first motion to accept Terrain Evolution's request of tabling for the GPN-2 Preliminary Plat and Jeff Stauch made the second motion to accept Terrain Evolution's request of tabling for the GPN-2 Preliminary Plat. All in favor.
3. Review of Jerome Village GPN-6 Preliminary Plat, Jerome Township, Union County – Staff Report by Jenny Snapp
- Jenny – I talked with Bill this morning and he felt comfortable with the conditional approval.
  - Paul – We don't have the variances?
  - Bill – We have the exact same variances and there is one instance where a radius under the 150 was approved by our office but has not gone through the official variance procedure with the County Commissioners.
  - Terrain Evolution as a representative of the Jerome Village Company request tabling of the GPN-6 Preliminary Plat.
  - Fereidoun Shokouhi made the first motion to accept Terrain Evolution's request of tabling for the GPN-6 Preliminary Plat and Jeff Stauch made the second motion to accept Terrain Evolution's request of tabling for the GPN-6 Preliminary Plat. All in favor.

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- Charles – The developer developing a new set of plans need not come in with variances unless it's a really good reason, I don't see it necessary to start with.
  - Thom – We agreed, based on conversations, we were under the impression that the 100 foot was acceptable.
  - Bill – I apologize as well, I still maintain the three of them are ok.
  - Paul – This is the time to get it correct, it's a long process given the scale of the subdivision.
4. Review of Zoning Text Amendment to Jerome Township, Union County Zoning Resolution regarding Section 804 #2 a) "Monument Signs" – Staff Report by Wes Dodds
- Paul – Shouldn't it say where it's measured from?
  - Wes – In the definition it says
  - Paul Hammersmith made the first motion to recommend approval of the Zoning Text Amendment for Jerome Township and Greg DeLong made the second approval of the Zoning Text Amendment for Jerome Township. All in favor.
  - Charles – This says that a sign should be made of a natural material? What's natural material?
  - Kathleen – I think the intent was wood or something like that. This is part of our re-write.
  - Charles – What wouldn't be natural material?
  - Kathleen – I don't know, I don't have an answer for you, I don't know. I think it was more of stone or wood. We're looking at this too, we've gotten the City of Dublin's code, and we're looking at other jurisdictions codes to update it.
5. Review of Zoning Parcel Amendment in Liberty Township, Logan County of the Shirley Brandt Property, County Road 189 & US 68 from R-1 Low Density Residential District to B-1 Service Business District. The parcel is currently operating under a conditional use permit as a gymnastics business. The applicant wishes to place a Billboard on her property. – Staff Report by Wes Dodds
- Charles – What size sign are they looking at?
  - John – The proposed sign would be at the south end of the property.
  - Scott – Does the Township have zoning for what the setbacks are for the billboards?
  - Wes – it should be in there
  - Jenny – the applicant will have to obtain a conditional use permit once the zoning amendment is approved.
  - Fereidoun – I understand the billboard is a later issue so they can set the safe setbacks themselves because it is a conditional use.

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- Charles Hall made the first motion to approve the Liberty Township Zoning Parcel Amendment and Paul Hammersmith made the second motion to approve the Liberty Township Zoning Parcel Amendment. All in favor.
6. Review of Zoning Text Amendments to the Dover Township, Union County Zoning Resolution regarding Section 703 “Dwelling (Housing) Manufactured” – Staff Report by Wes Dodds
- Jenny – I know you called the Prosecutor’s Office?
  - Wes – I did not get any response from them. Melissa indicated that she did not give them this text but she was going to look at it, and she hasn’t gotten back to me yet.
  - Jeff – I spoke with Mary Sampsel a little bit, the building departments are being closed out as the primary inspectors and open it up to third parties. Mary’s concern is that it may not be legal for the townships to request this info.
  - Paul – Is this because it’s a building code matter and not a zoning matter?
  - Jeff – Yes that’s my understanding.
  - Paul – If Mary has jurisdiction would she be requesting this report?
  - Jeff – Right now we don’t have an exclusive right to inspect them; it’s really the Manufactured Home Commissions and the States responsibility. If that ever changed, we’d probably just ask the Prosecutor’s office to do that.
  - Paul – If that’s going to be requested, it should be requested as part of the building permit.
  - Scott – We’re only inspecting electrical service and health department does plumbing.
  - Wes – The Township could request this through zoning since it has to do with safety, health and welfare.
  - Fereidoun made the first motion to recommend approval of the Dover Township Zoning Text Amendment and Charles Hall made the second motion to recommend approval of the Dover Township Zoning Text Amendment. All in favor.

The Zoning and Subdivision Committee adjourned at 2:30 pm with Fereidoun Shokouhi making the first motion to adjourn and Charles Hall making the second motion to adjourn.

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