



Zoning & Subdivision Committee
Thursday, February 11, 2010

The Zoning and Subdivision Committee met in regular session on Thursday, February 11, 2010, at 11:40 am at the LUC Office in East Liberty. Zoning & Subdivision Committee Members were in attendance as follows: Brad Bodenmiller, Scott Coleman, Wes Dodds, Charles Hall, Jenny Snapp, Heather Martin, Jeff Stauch, and Don Walters. Guests attending the meeting were Thom Ries, Terrain Evolution; Randy Loebig, Jerome Village Company; Chris Lanka, Terrain Evolution; Kathleen Crowley, Jerome Township. Absent members were Greg DeLong, Paul Hammersmith, and Fereidoun Shokouhi.

Scott Coleman chaired the Zoning & Subdivision Committee Meeting.

Minutes of the December 10, 2009, meeting was approved as follows: Don Walters made the first motion to approve the minutes as written and Charles Hall made the second motion to approve the minutes as written. All in favor.

1. Zoning & Subdivision Committee Appointments for 2010
 - Andy Yoder was appointed as a new member to the committee. Charles Hall made the first motion to accept the recommended appointees and Don Walters made the second motion to accept the recommended appointees. There were no additional nominations. All in favor.
2. Review of Jerome Village Preliminary Plat Extension, Jerome Township, Union County – Staff Report by Jenny Snapp
 - Charles made the first motion to grant the extension of the Jerome Village Preliminary Plat subject to conditions and comments from reviewing agencies including Union County Engineer's office and Jeff Stauch made the second motion to grant the extension of the Jerome Village Preliminary Plat subject to conditions and comments from reviewing agencies including Union County Engineer's office. All in favor.
3. Review of Jerome Village GPN-7 Final Plat, Jerome Township, Union County – Staff Report by Jenny Snapp
 - Thom responded with a letter to the Engineer comments.
 - Randy: the service agreement should have been laid to rest a long time ago. We've worked with the City of Marysville for service agreements. We've asked for them to protect us in the agreement so that we don't run out of water before we begin the next project. This has been going on for a while; it's been going on eight months. The reason that I push for the platting process is, the problem with not getting finalized is more comments and suggestions you get regarding it. My concern is that if we



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don't come to a finalization it continues to come through this process of comments and changes, it keeps me from having to worry about this project. We're doing Phase 1 right now; we have a buyer for this project, we have to move on this. We will not start construction until the service agreement is done, or record the plat until it's done. We've already bid the lines at this time; we would like to get them executed. I have a delivery date on lots.

- Jenny: I recognize that it's a large development so obviously there will be some extenuating circumstances. When do you think it would be put in place, and how would tabling the plat hurt you?
 - Randy: I talked to Marysville on Wednesday and expect to have the comments to the attorney this week. We're trying to get it in the system for a reading in February and March. The longer we delay this, the longer it takes, the more costly it is. It might not be in the right sequence, but we need to move on it.
 - Jeff: In my conversations with Jillian, she had suggested that we hold off on our review until with get this finalized. I talked to our attorney who's doing the review for the commissioners, but we really haven't had a chance to talk to the commissioners to review the agreement.
 - Jenny: when I looked at the list, most of the items could be approved through a conditional approval, but the service agreement is a big item and by approving this we put ourselves in a position to always do that.
 - Thom: with a conditional approval, all the items would have to be met before it could be approved? The utility agreement isn't going to affect the layout, lot sizes, etc.
 - Scott: Did you review the Subdivision Regulations in particular to the items they identified that the final plat cannot be approved until those things are in hand? Is that the way it is written?
 - Jenny: Yes, it is in there. It's only been SB115 that's allowed to go ahead with conditional approvals. But we only use it for minor issues.
 - Randy: how does this service agreement affect the plat?
 - Jeff: talking to Jillian, it seems that April is the earliest time that it will be done. It seems that the agreement is crucial to this first phase.
 - Randy: that means I don't plat until April that puts me behind anyway. I guess it becomes the issue is do we start construction without platting? Every delay is a month delay, not just a week. I'm anxious to get it started.
 - Don: I have very limited knowledge but it would seem to me in light of everything going on, and I'm not sure of the legal aspect, but

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is there some way to keep this deal alive and at the same time ensure that everything that needs to be done is done, I think that should be given consideration.

- Scott: They are able to start construction when the construction drawings are approved by the Engineer without the plat being approved.
- Randy: we'd like to lock down this first phase of 40 lots. Part of this is my comfort level as we do the first one that we're on the same page as we go through this process. I'm trying to run those timeframes side by side. I can always take that risk and start construction without the plat being approved.
- Jenny: I know Valerie had reservations about approving the plat without the service agreement in place.
- Brad: The compromise seems to be starting construction without the plat approval to give the lawyers time to talk.
- Jeff: That's how we feel, that's why I suggested the county attorney talk directly to the city attorney. Bill & I talked about this
- Randy: I'd like some direction from LUC, about how we go through this process.
- Jenny: I think we need to see the service utility agreement.
- Scott: We need the agreement to provide construction and maintenance of facilities, and ditch maintenance petition.
- Jeff: I don't think those are as big of a challenge as the utility service agreement but we need to have them.
- Jenny: Randy, are you comfortable with tabling it?
- Randy: My question is, I can tell you none of these are going to be perfect coming through the system. It's a big item. My bigger concern going forward, what's the easiest way to get through the system? I will always push the limit as we go forward, especially as we start the construction window. I can't always have it as a perfect package, but if you tell me what the frame looks like, I can try to jam it into the box if necessary.
- Jenny: the first page of comments from the Engineer's office certainly need to be addressed. The other items are minor and easy fixes.
- Jeff: I would agree that phases 2 and 3 will be easier because the big ticket items are already done.
- Randy made the request to table the plat.
- Jeff Stauch made the first motion to accept the tabling of the GPN-7 Preliminary Plat at the request of the developer and Charles Hall made the second motion to accept the tabling of the GPN-7 Preliminary Plat at the request of the developer. All in favor.

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- Charles: I understand on your end, where you're coming from. We want to make sure that we do this right.
4. Review of Jerome Township Zoning Text Amendment for removal of Sections 411.028, 412.06, 413.05, 414.054, 415.054, 417.054, 418.054, 419.054, 420.054, 421.040, 422.040 & 423.040 – Staff Report by Wes Dodds
- Comments were received from Greg DeLong in regards to this language. He strongly cautioned the township on the removal of this language in the business and commercial districts.
 - Brad and Don both expressed the same concern as Greg. It's okay to do this in residential, but doing it in commercial may not be the best move.
 - Kathleen: Our position is that right now we are redoing the entire commercial language, and it would be easier to remove all of that. For our purposes at this time we believe that it's easiest to delete it. It's just easier drafting wise; it's something that we will address in commercial text. I think it's dealt with that way. I do recognize that this could cause some problems for the commercial section, but there are much bigger problems that are being caused. Again, I will defer to the committee for their recommendations.
 - Andy: Can we make the recommendations that it is residential only, until the point that the new regulations are in place? I don't think you want to have a gap there.
 - Scott: What this is saying is they wouldn't allow any until the rewrite of the commercial and business language.
 - Kathleen: Currently what this is saying is that you can have two buildings, and I'm in the commercial section. If I had two buildings on one lot, as the zoning inspector, how to I determine the side yard, etc. Right now this allows for two buildings and I have to determine as to where the side yard is. I'd have to measure to try and figure it out.
 - Scott: Whoever makes the motion needs to caution the Township on this, because if you get delayed rewriting your language it could cause problems. Maybe recommend approval in addition to Wes' language and caution the Township on the blanket usage of this removal of text in the other districts.
 - Brad: It seems really limiting if you have some kind of development, it would be a weird variance to try and grant.
 - Don: Trying to look at it from the objective point, I can see countless problems down the road, but if what she says is true and in a reasonable amount of time they redo the commercial zoning. If we do grant approval, it should be strongly cautioned.
 - Kathleen – The variance would be on the accessory size, not the primary structures. We will take the caution.

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- Brad made the first motion to accept the staff recommendation of approval of the Jerome Township Zoning Text change with caution that this is limiting to commercial lots, and not just residential. Don Walters made the second motion to accept staff recommendation of approval of the Jerome Township Zoning Text change with caution that this is limiting to commercial lots, and not just residential. All in favor.
5. Review of Indian Isles, Stokes Township (Logan County), Zoning Resolution Rewrite – Staff Report by Wes Dodds
- Brad – I assume this doesn't apply to junk; why aren't you allowed to have one RV, instead of multiples? Why not allow?
 - Wes: they have strong feelings about this, they don't want RV's
 - Jenny: what do the people who live there feel?
 - Bob: I've talked to the people that own the RV's, in most cases, they are okay with the regulations. The ones opposed are against it, but they are the habitual offenders to start with. I feel that this is the best way to go.
 - Jenny: this is going to be a huge cost for you, I think for your time you should be reimbursed for it.
 - Scott: we should definitely recommend that they charge some kind of permit fee but there is going to be time and expense issuing these permits and enforcement. Anyone who owns this is already paying to store them somewhere else.
 - Brad: it seems like a RV tax.
 - Don: The way the Village of Russells Point is, we only allow the owners of the RV to keep them on their property and allow no habitation and they have to be licensed. You're going to enforce the issue because you live there, but what about the next guy. He doesn't have the motivation to enforce, if this is what the residents want, they should have. You have to charge something for your time.
 - Bob: I approached the trustees with this and said you can have a fee in place and part goes to me, or you can charge no fee and subsidize me.
 - Don: you want to make sure that this is fairly bullet proof because you are dealing with a lot of big fish, and it may well get tested in court
 - Bob: the judge said you can't prohibit motor homes, you can restrict them. That's why it was agreed upon by the committee.
 - Don: It was thrown out by a guy who doesn't like zoning. It's discouraging to zoning members because it seems like a waste of time to them because if the court system is not going to support it, then why do it.

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- Bob: The commission has tried to address it as Judge Ross wanted it.
- Wes: also, had additional comments suggested and many should be considered, for example, from Don.
- Don: Junk Boats and Snow mobiles – we only allow the person of the property and immediate family that lives in the house allowed being there. We require that anything that has to be licensed to be current. Fences – we were requiring them to keep the fences off the property but due to mowing issues, we finally just said it could be right on the property line, but the national accepted way of determining who owns the fence is determined by which side the posts face. Boat docks – electricity, since all electricity from boat docks come from the primary property from the boat dock, we can make them get a permit to make sure the wired to code.
- Scott: on the boat dock issue, you say no enclosure, but I think most of them have roofs; you talk about 15 feet, is it going to be okay or do you care if they build a deck above, do they worry about that?
- Bob: they don't, but I say that any structure that is above 15 feet, it must be within that 15 feet. You're dealing with ground level.
- Don: it's my understanding that ODNR is no longer allowing a boat house to be built out over the water, if you want to build it out as a slip. I've heard places that don't allow people to put ends on the roof. You have to keep in mind that, if you own channel front or water front you are entitled to an open view in front of your house.
- Scott: should the language be changed on enclosures? Or is it understood?
- Wes: maybe add a note that roofs are okay.
- Jenny – could you send it to Frank to see if he has any concerns or suggestions
- Scott: I have a question about the vehicle limit; with the limits on only three vehicles what if it's a birthday party.
 - Bob: That only includes accessory vehicles, it means stored as opposed to visiting
- Don: to store them, do they have to be inside a completely enclosed structure?
 - Bob: stored means they can sit anywhere
- Charles – Let's say I have an RV in a storage shed, my brother-in-law is living in it
 - Don – you have to prove that he's living in it, unless you get a search warrant it's hard to do
 - Wes – they don't care what you do as long as it's inside

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- Don made a motion to accept the Stokes Township, Indian Isle's Zoning Text with the addition of the comments of the Committee and Brad made the second motion to accept the Stokes Township, Indian Isle's Zoning Text with the addition of the comments of the Committee.

The Zoning and Subdivision Committee adjourned at 12:56 pm with Don Walters making the first motion to adjourn and Charles Hall making the second motion to adjourn.