



Zoning & Subdivision Committee

Tuesday, June 8, 2010 1:30 pm

The Zoning and Subdivision Committee met in regular session on Tuesday, June 8, 2010, at 1:30 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, Jeff Stauch, and Don Walters. Guests attending the meeting were: Randy Loebig, Jerome Village; Jeremy Hoyt, City of Marysville; Bill Narducci, Union County Engineer's Office; Phil Metz, Jefferson Township; Chris Lanka, Terrain Evolution.

Scott Coleman chaired the Zoning & Subdivision Committee Meeting.

Minutes of the May 8, 2010, meeting was approved as follows: Paul Hammersmith made the first motion to approve the minutes as written and Greg DeLong made the second motion to approve the minutes as written. All in favor.

1. Review of Jerome Village GPN-7 Final Plat, Jerome Township, Union County – Staff Report by Jenny Snapp
 - Randy – In regards to the bond, we normally bid once we get plat approval; what is asked here is different; we either have to put a letter of credit and then substitute with a bond once it happens;
 - Jenny summarized outstanding items
 - Scott – so this is against a normal practice that the developer is providing the performance bond?
 - Paul – this is the final plat, so you have to have it; that's the purpose of the bond; you make sure there's public approval for the lots
 - Scott – are the current regulations specific?
 - Jenny read the current subdivision regulations which gives the specific citation, Section 326, Guarantee for Installation of Improvements
 - Scott – so, you still want a surety from the developer and if the developer gets a surety from the contractor, you don't care
 - Jeff – if they moved ahead, we still have the ability to hold it up to make sure nothing moves ahead without the preconstruction.
 - Randy – one of the reasons we didn't get the bond was that we just got approval on the utility agreement last Thursday; our whole project has been held up waiting on that; our projects have been on hold waiting for the utility agreement. I know we're out of



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- sequence, and if this is the sequence you want to stay with, we'll do that. We could provide within one week.
- Paul asked Randy if they would request to table the plat again in lieu of denial.
 - Randy said he would have to think about it
 - Paul Hammersmith made the first motion to deny Jerome Village GPN-7 Final Plat for lack of bond being submitted as required.
 - The motion died for lack of a second.
 - Jeff - we have the ability to make sure nothing happens with the improvements as we move through, but it goes against the regulations as it's written. We don't want to set a precedent that we have to deal with developers down the road. We could potentially have other developers asking the same thing.
 - Jenny - These items have been outstanding since February.
 - Charles – I understand Randy's frustration on this; if Jeff thinks he can take care of this, then I think we should move forward on it.
 - Randy – trying to hit your timeframes creates a gap for us. I can only get so far ahead of this process.
 - Andy – how solid is that two weeks timeline for the performance bond?
 - Randy – it's solid
 - Charles Hall made the first motion to approve the plat with the knowledge that we approve with Jeff receiving the bond in two weeks; if not denial.
 - The motion died for lack of a second.
 - Jenny – I'm going to say that if we go against the regulations, that would require a variance.
 - Jeff – in the spirit of the regulations, I think that we ask for a tabling or something similar to Paul's recommendation. Consistency is important.
 - Randy asked the committee to table.
 - Greg DeLong made the first motion to recommend the final plat of Jerome Village GPN-7 be tabled based on the developer's request. Paul Hammersmith made the second motion to recommend tabling of the final plat of Jerome Village GPN-7 based on the developer's request. All in favor, except Charles Hall who abstained from voting.
2. Review of Jerome Village GPN-2 Preliminary Plat, Jerome Township, Union County – Staff Report by Jenny Snapp
- Paul Hammersmith made the first motion to accept the staff's recommendation for approval of the Jerome Village GPN-2 Preliminary Plat and Jeff Stauch made the second motion to accept the staff's recommendation for approval of the Jerome Village GPN-2 Preliminary Plat. All in favor.

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3. Review of Jefferson Township (Logan County) Zoning Text Amendments including language for group care facilities – Staff Report by Wes Dodds
 - Don – we do this all the time; you make the sale of the property contingent on receiving the conditional use permit; if you allow the conditional use permit, you’ve basically made a zoning change.
 - Phil – the purpose of this is to open communication; it’s not to deny them, it’s just to create communication flow
 - Wes – could have the owner apply for the conditional use permit and put the applicants name on the application as well, before the sale
 - Phil will check on this
 - Paul – there needs to be a basis for the denial
 - Greg – there’s a typo in #9
 - Charles – do they have to come back yearly, or just the first year? The way he reads that it doesn’t specify one year.
 - Phil – it’s ongoing, each year they have to come back.
 - Don – this would get back to the other issue, if I’m going to buy a business and I have to get permission every year to determine if I can stay in business. I’d be hesitant to buy a business under those circumstances. It’s not like a license from the state with ground rules.
 - Phil – part of the problem we’ve run into is Mr. Lamb has started a few businesses up in the township and hasn’t done what he’s supposed to do. We need something in place to have these guys communicate and to tell them they have to do what they agree to.
 - Jenny – why isn’t the zoning inspector not issuing violations if it’s not conforming to the conditional use permit?
 - Phil – for the camp ground
 - Greg – if you can’t get it done now, with them coming back in a year, how are you going to get it done then?
 - Jenny – you need to firm up if it’s one time or if it’s continuously
 - Brad – you need to have a section about violating a conditional use permit;
 - Jenny – it’s already in there
 - Brad – what was the prosecutor asking for?
 - Wes – there needs to be specific reasons for why they can deny
 - Brad – then the one year review seems like a lot of work and isn’t really necessary.
 - Jenny – Phil when it gets to the zoning commission & you guys make further comments/recommendations, you need to send it to Jerry to make sure it’s ok.
 - Charles Hall made the first motion to accept the staff’s recommendation for approval of the Jefferson Township various Zoning Text Amendments along with comments from the committee and staff. Paul Hammersmith made the second motion to accept the staff’s recommendation for approval

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of the Jefferson Township various Zoning Text Amendments along with comments from the committee and staff. All in favor.

4. Review of Paris Township (Union County) Zoning Text Amendments regarding Wind Turbines greater than 25KW and less then 5MW – Staff Report by Wes Dodds
 - Paul Hammersmith made the first motion to accept the staff's recommendation of denial for the Paris Township Zoning Text Amendments regarding Wind Turbines greater than 25KW and less then 5MW and Andy Yoder made the second motion to accept the staff's recommendation of denial for the Paris Township Zoning Text Amendments regarding Wind Turbines greater than 25KW and less then 5MW.
5. Review of Allen Township (Union County) Zoning Text Amendments regarding Small Wind Farms - Staff Report by Wes Dodds
 - Jenny – I think it needs to be specific for agriculture use, I don't know why they took it out
 - Don – in the unincorporated portions of the county/townships, basically anything you can qualify as agriculture, it's exempt from zoning?
 - Jenny – unless it meets the exception to the Ag Exemption as outlined in the ORC.
 - Paul – are we confident that the manufacturer specifies what that level of sound is?
 - Jenny – it's my understanding that it is in there
 - Greg – going back to the opening and the agriculture exemption, is that a recommendation?
 - Wes – will advise them that it's still in affect
 - Jenny felt that it should be in the recommendation
 - Charles Hall made the first motion to approve the staff's recommendation of approval of the Allen Township Zoning Text Amendment with the staff notes and Greg DeLong made the second motion to approve the staff's recommendation of approval of the Allen Township Zoning Text Amendment with the staff notes. All in favor.
6. Jenny – we met earlier to review the subregulations. We're trying to firm things up in the subdivision regulations, to make them much clearer as to what we will allow and not allow.

The Zoning and Subdivision Committee adjourned at 2:35 pm with Andy Yoder making the first motion to adjourn and Don Walters making the second motion to adjourn.

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