



Zoning & Subdivision Committee

Thursday, April 14, 2011 12:15 pm

Start Time: _____

- Minutes from last meeting of March 8, 2011

1st: _____ 2nd: _____

1. Review of Various Zoning Text Amendments, in Salem Township (Champaign County) – Staff Report by Wes Dodds
2. City of Bellefontaine – Proposed Annexation of 3.237 acres of road right-of-way in Lake Township – Staff Report by Wes Dodds.

- Adjourn End Time: _____

1st: _____ 2nd: _____

Members:

Scott Coleman – Logan County Engineer
Greg DeLong – Marysville Planning
Charles Hall – Union County Commissioner
Jeff Stauch – Union County Engineer
Paul Hammersmith – Dublin Engineer
Fereidoun Shokouhi – Champaign County Engineer
Brad Bodenmiller – Urbana Zoning
Robert A. Yoder – North Lewisburg Administrator
Jenny Snapp – LUC
Wes Dodds – LUC
Heather Martin – LUC

Guests:



STAFF REPORT

FOR CONSIDERATION BY LUC REGIONAL PLANNING COMMISSION EXECUTIVE
COMMITTEE
April 14th, 2011

SALEM TOWNSHIP TEXT AMENDMENT

APPLICANT: Salem Township Zoning Board

REQUEST:

- ✓ Review of various Zoning Text Amendments the *Salem Township Zoning Resolution* including the addition of language for group care facilities and associated definitions.

STAFF ANALYSIS:

Staff has been working with Salem Township over the last several months on an update to their current zoning resolution. Recently Salem Township hired a new Zoning Inspector, who also serves as the Wayne Township Zoning Inspector. In the past, these townships had used the same Zoning Inspector, and made an effort to keep their zoning similar. Recently, Wayne Township updated their zoning, so the Zoning Inspector requested that the Salem Township Zoning Board convene to review those changes with their current zoning. As a result, the Salem Township Zoning Board has the following amendments for consideration (Please see supporting document for full amendment text):

- **DEFINITIONS**
 - *Hazardous Wastes* - Added "and as further defined by the EPA" to the end of the definition.
 - *Semitrailer/Sealand Containers* – Change the word "Sealand" to "Intermodal". Removed the words "also PODS."
 - Definitions added for the following Residential Care Facilities: *Family Care Home, Foster Home, Group Care Home, Home for Adjustment, Institution*
- **Section 350 Penalties for Violation** – Added language so the penalty for violation references the Ohio Revised Code.



- **Section 430 Single Non-Conforming Lots of Record** – Added language to clarify that this section also applied to width to depth ratio requirements.
- **Section 509 Zoning Board Created** – This section is entirely new.
- **Section 611 Action by Township Trustees** – Changed the word “Unanimous” to “Majority” to reflect change in ORC
- **Section 1035 Telecommunications Towers (#18)** - Added language regarding decommissioning costs.
- **Section 1056 Erection of More than One Principal Structure on a Lot** – New section added allowing more than one principal structure on a lot provided each structure meets zoning requirements as if were on a lot of its own.
- **Section 1065 Family Care Homes** – New Section added
- **Section 1066 Group Care Home** – New Section added
- **Section 1067 Home for Adjustment** – New Section added
- **Section 1068 Institution** – New Section added
- **Official Schedule of District Regulations**
 - Small Wind Systems Less than 5MW added as permitted use in all Districts.
 - Farm Implement Sales and Service added as conditional use in the U-1 District
 - Light & Heavy Manufacturing and Telecommunications Towers removed as conditional uses in the U-1 District
 - Animal Husbandry added as conditional use in the R-2 District (only applies in platted subdivisions or in areas of 15 or more contiguous lots approved under subdivision law)
 - Kennel added as conditional use in the B-1 District.
 - Minimum lot sizes in U-1, R-1, B-1 and B-2 Districts changed to 65,340 sq. ft. to match 1.5 acre square footage.
 - U-1 Accessory Building front setback changed to 50 feet.
 - R-2 Accessory Building front setback changed to 35 feet.
 - B-1 Accessory Building front setback changed to 35 feet.

The amendments proposed above have also been sent to the Champaign County Prosecutor's Office for review and comment.



STAFF RECOMMENDATIONS:

- ✓ Given that LUC Staff worked in conjunction with the Township Zoning Board throughout the process and in advertised public meetings, staff recommends that the Salem Township Zoning Text Amendments be **approved** with the following recommendations for consideration:
 - The Township should consider any recommendations made by the Champaign County Prosecutor's Office regarding the proposed zoning text amendments.

ZONING & SUBDIVISION COMMITTEE RECOMMENDATIONS:



Zoning Text Amendment Checklist

Date: March 31st 2011 Township: Salem Township, Champaign County

Amendment Title: Various Zoning Text Amendments

Notice: Incomplete Amendment requests **will not** be processed by our office. LUC Regional Planning Commission will return them to the requestor, stating the reason the amendment was not accepted.

Each Zoning Text Amendment change must be received in our office along with a cover letter, explaining the proposed zoning text change (s). All items listed below must be received **no later than 10 days** before the next scheduled LUC Regional Planning Commission Executive Board Meeting (second Thursday of every month). It is recommended that a person who is able to provide further information on the amendment attend the Zoning and Subdivision Committee meeting to answer any additional questions that may arise.

Required Item:	Completed by Requestor:	Received by LUC:
Cover Letter & Checklist	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Date of Request (stated in cover letter)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Description of Zoning Text Amendment Change (s)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Date of Public Hearing (stated in cover letter)	<input type="checkbox"/>	<input type="checkbox"/>
Township Point of Contact and contact information for zoning amendment (stated in cover letter)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Attachment of Zoning Text Amendment with changes highlighted or bolded	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Copy of current zoning regulation, or section to be modified for comparison	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Non-LUC Member Fee, If applicable	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No cover letter. Submitted directly to W. Dadds @ meeting

Township has not scheduled yet.

Salem Twp. Member

Additionally, after final adoption regarding this zoning text amendment, please provide LUC with a letter stating the results of the Trustees vote, along with a copy of the adopted language.

Please see reverse side for a timeline of the Township Zoning Amendment Process, per ORC 519.12

Proposed Salem Township Zoning Changes

Proposed New text will be highlighted in yellow and bolded.

Proposed text for removal will be ~~struck through and in red.~~

DEFINITIONS

Hazardous Wastes. Those substances which, singly or in combination, pose a significant present or potential threat or hazard to human health or to the environment, and which, singly or in combination, require special handling, processing, or disposal, because they are or may be flammable, explosive, reactive, corrosive, toxic, infectious, carcinogenic, bioconcentrative, or persistent in nature, potentially lethal, or an irritant or strong sensitizer. **(and as further defined by the EPA).**

~~Semitrailer/Sealand~~ **Intermodal Containers.** A vehicle designed or used for carrying persons or property with another and separate motor vehicle, so that in operation, a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle. ~~also PODS.~~ A semitrailer shall not be used for storage, advertising, business, and residential use.

OTHER SECTIONS FOR CHANGE

Section 350 Penalties for Violation. Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this Resolution shall constitute a minor misdemeanor. ~~Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one-hundred (\$100) dollars and in addition shall pay all costs and expenses involved in the case.~~ **Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than the maximum fine allowable for minor misdemeanor offenses under Ohio Revised Code Section 2929.28(A)(b), and in addition shall pay all costs and expenses involved in the case.** Such sum may be recovered in a court of jurisdiction in Champaign County by the legal representative of the Township, in the name of the Township and for the use thereof. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Board of Township Trustees from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 430 Single Non-Conforming Lots of Record. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at effective date of adoption or amendment of this Resolution notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, **including width to depth ratio requirements,** of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Article 9 and 10 of this Resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Section 540 through 549.

However, if at sometime a lot was created and recorded that did not meet the minimum requirements in effect at the time of creation of the lot, then said lot shall not be built upon.

Section 509 Zoning Board Created. A township zoning board is hereby created, which shall consist of five members to be appointed by the Board of Township Trustees each for a term of five years, except the initial appointments shall be one (1), two (2), three (3), four (4) and five (5) year terms. Each member shall be a resident of the unincorporated area of the township. The Board of Township Trustees may appoint two alternate members to the zoning board for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the zoning board. An alternate member shall meet the same appointment criteria as a regular member. Members of the commission may be removed from office by the Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by the Trustees for the unexpired term of the member affected.

Section 611 Action by Township Trustees. Within twenty (20) days after the public hearing required in Section 607, the Township Trustees shall either adopt or deny the recommendation of the Zoning Board, or adopt some modification thereof. In the event the Trustees denies or modifies the recommendation of the Zoning Board, it must do so by a **majority** ~~unanimous~~ vote.

Section 1035 Telecommunications Towers (#18)- Performance Bond. For each telecommunication tower, the owner or operator shall provide to the Township a surety bond or a bank letter of credit so as to assure the Township that the terms and conditions of Section 1035 are performed and complied with, including necessary repairs, repairs to public highways and roads, and the costs and expenses of removal in the event of abandonment; Bond shall equal anticipated demolition, and debris removal cost; the Township Board of Trustees may draw upon the performance bond to recover any costs, damages or expenses incurred by the Township that may arise out of the violations of Section 1035 or the abandonment or discontinuance of the tower. The bond or letter of credit shall be issued by a Board of Trustees, in a form approved by said Board, and shall be in an amount that is equal to no less than fifty percent (50%) of the construction value of the tower. **If the cost of decommissioning or removal is fifty percent (50%) greater than the bond, the owner or operator shall be liable for costs greater than such bond.** By its terms, the bond or letter of credit may not expire, be terminated, or cancelled without providing the Township Board of Trustees with written notice of such expiration, termination, cancellation or other event of non-renewal no later than one hundred twenty (120) days prior to the date of such event.

Section 1056 Erection of More than One Principal Structure on a Lot. In any district more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Resolution shall be met for each structure as though it were on an individual lot. Accessory buildings such as a garage may be located in rear yard, provided that yard and other requirements of this Resolution are met. All accessory buildings must meet setback requirements of the associated zoning district and, therefore, shall require a permit (agricultural use exempted from this provision). This requirements applies regardless whether a foundation is included in the construction of the utility building.

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

<u>Zoning Districts</u> (Symbols as used on the Official Zoning Map)	<u>Permitted Uses</u> (Accessory Uses and essential services are included)	<u>Conditional Uses</u> (Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals)
1	2	3
U-1 RURAL UNDEVELOPED	Agriculture; Low density residential; Clinic; Home occupation; Public & quasi-public uses. Small Wind Systems Less than 5MW	Kennel; Public service facility; Service business; Mineral extraction; Food processing; Light & heavy manufacturing ; Junk storage & sales; Commercial recreation; Manufactured or mobile home park; Mobile homes individually; Telecommunication Towers ; Non-commercial recreation; Animal hospital & Clinic Farm Implement Sales and Service
R-1 LOW DENSITY RESIDENTIAL	Single-family dwellings; Home occupation; Public & quasi-public use; Permanent foundation sited manufactured dwelling; Modular & sectional units. Small Wind Systems Less than 5MW	Personal services; Service business; Multi-family dwellings; Mobile home individually; Telecommunication Towers
R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT	Single-family Dwelling; Public and Quasi-public Use Small Wind Systems Less than 5MW	Multi-family Dwelling; Non-commercial Recreation; Home Occupation; Mobile homes Individually; Service Business; Personal Services; Telecommunication Towers. Animal Husbandry**
B-1 SERVICE BUSINESS	Service business; Drive-in business; Eating & drinking estab.; Commercial recreation; Transient lodgings; Retail business; Offices; Personal services; Public & quasi-public uses; Single & multi-family dwellings*; Small Wind Systems Less than 5MW	Wholesale & warehousing; Food processing; Printing & publishing; Transport terminals; Signs & advertising structures; Public & service facility; Animal Hospital & clinic. Kennel
B-2 LOCAL BUSINESS	Convenience-type retail; Personal services; Offices; Service business; Eating & drinking establishments; Commercial recreation; Single-family dwellings*; Public & quasi-public uses; Farm implement sales & service. Small Wind Systems Less than 5MW	Public service facility; Mobile homes individually.
M-1 LIGHT MANUFACTURING	Light manufacturing & directly related offices & retail sales; Public quasi-public uses; Service business; Farm implement sales & service. Small Wind Systems Less than 5MW	Wholesale & warehousing; Storage facilities; Transport terminals; Public service facility; Low density residential*; Mobile homes individually; Adult Entertainment.

M-2 HEAVY MANUFACTURING	Light & heavy manufacturing & related offices; Wholesale & warehousing; Printing and publishing; Public quasi-public uses; Single-family dwelling** Permanent foundation sited manufactured dwelling; Supply yard; Small Wind Systems Less than 5MW	Signs & advertising structures; Public service facility; Adult Entertainment.
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	MINIMUM LOT SIZE		FRONT AGE	MAXIMUM % OF LOT TO BE OCCUPIED	MINIMUM FLOOR AREA	MAXIMUM HEIGHT (principal buildings)		MINIMUM YARD DIMENSIONS (ft.)			
	With sewage on-site treatment	With group or central sewage treatment	Width/ Feet	Principal and Accessory Buildings	Sq. ft.	# of Stories	# of Feet	Front	Side Yards		Rear
	4	5	6	7	8	9	10	11	12	13	14
									One side yard	Sum of side yards	
U-1	65,340	----- 10,800	150 80	25	1,200*	2.5	35	50	20	40	40
R-1	65,340	----- 10,800 2,700 (multi)	150 80 60	25	1,200* 900 (multi)	2.5	35	35	20	40	40
R-2	40,000	10,800 (single) 2,700 (multi)	150 80 60	25	1,200* (Single) 900 (Multi)	2.5	35	35	10	20	30
B-1	65,340	----- none	150 60	50	none*	3	40	30	none**	none**	30**
B-2	65,340	----- none	150 60	50	none*	3	40	30	none**	none**	30**
M-1	80,000	-----	200	50	none*	4	50	80	20**	50**	50**
M-2	80,000	-----	200	50	none*	4	50	100	20**	50**	50**

	Accessory Buildings Height & Setback Requirements (in feet)				MINIMUM MANDATORY OFF- STREET PARKING SPACE (One unit for each)	MINIMUM MANDATORY OFF- STREET LOADING SPACE	SIGNS PERMITTED	OTHER PROVISIONS AND REQUIREMENTS (Supplementary regulations prohibitions, notes etc.)
	Height	Front	Side	Rear				
	15	16	17	18	19	20	21	
U-1	20	50	5	10	Two spaces for each dwelling unit (See Article XI)	none	Yes, under Article XII	*1,200 square feet for mobile dwelling; Use of land or buildings for agricultural purposes are not affected by this Resolution and no zoning certificate shall be required for any such building or structure or use of land. Residential dwellings do require a permit.
R-1	15	35	5	10	Two spaces for each dwelling unit (See Article XI)	none	Yes, under Article XII	*1,200 square feet for mobile dwelling.
R-2	15	35	5	10	(See Article XI)	none	Yes, under Article XII	*1,200 square feet for mobile dwelling. **Only applies in platted subdivisions or in areas of 15 or more lots approved under subdivision law that are contiguous (ORC 519.21 (B)(1-3))
B-1	15	35	0	0	(See Article XI)	One space for first 5,000 s.f. of floor area or less, and one for each additional 10,000 s.f. or fraction thereof of ground floor area.	Yes, under Article XII	*For residential, refer to R-1 regs. **Non-residential use cannot be conducted closer than 40 feet to any lot line of a residential structure.
B-2	15		0	0	(See Article XI)	One space for first 5,000 s.f. of floor area or less, and one for each additional 10,000 s.f. or fraction thereof of ground	Yes, under Article XII	*For residential, refer to R-1 regs. **Non-residential use cannot be conducted closer than 40 feet to any lot line of a

						floor area.		residential structure.
M-1	25		10	20	(See Article XI)	One space for first 5,000 s.f. of floor area or less, and one for each additional 10,000 s.f. or fraction thereof of ground floor area.	Yes, under Article XII	*For residential, refer to R-1 regs. **Non-residential use cannot be conducted closer than 40 feet to any lot line of a residential structure.
M-2	25		10	20	(See Article XI)	One space for first 5,000 s.f. of floor area or less, and one for each additional 10,000 s.f. or fraction thereof of ground floor area.	Yes, under Article XII	*For residential, refer to R-1 regs. **Non-residential use cannot be conducted closer than 40 feet to any lot line of a residential structure.

LANGUAGE FOR GROUP HOMES

RELATED DEFINITIONS

Family Care Home: A residential facility which is operated by private citizens or a social service agency to provide room and board, personal care, habilitation services, and supervision in a family setting for not more than eight (8) persons with developmental disabilities. A developmental disability shall be defined as a disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. All family care homes shall possess a license from the appropriate state or local agencies having authority under law to license the operation.

Foster Home: A private residence providing resident services and protective supervision for the care and/or rehabilitation of not more than eight (8) children, adolescents, or adults within a home environment, all under the regulation of the appropriate social service agency having authority under law to license the operation.

Group Care Home: A residential facility which is operated by private citizens or a social service agency to provide room and board, personal care, rehabilitation services, and supervision in a family setting for more than eight (8) but not more than (16) persons with developmental disabilities. A developmental disability shall be defined as a disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. All group care homes shall possess a license from the appropriate state or local agencies having authority under law to license the operation.

Home for Adjustment: A residential facility operated by a court, a social service agency, or private citizens which provide therapy, counseling, and a residential environment for eight (8) or fewer adolescents or adults for the following purposes:

1. To assist them in recuperating from the effects of drugs or alcohol.
2. To assist them in adjusting to living with handicaps or emotional or mental disorder in lieu of or subsequent to confinement within an institution; or
3. To provide housing and a supervised living arrangement in lieu of or subsequent to placement within a correctional institution.

Institution: Any residential facility designed or used for more than sixteen (16) persons functioning under the purposes of a family care home or a group care home, or any residential facility designed or used for more than eight (8) persons under the purposes of a home for adjustment.

PROPOSED REGULATIONS

Section 1065 Family Care Home. Family Care Homes may be permitted as a Conditional Use within an adequately sized unattached residential Dwelling within Manufacturing District (M-1) subject to the following criteria:

1. No Family Care Home may be permitted unless the agency supervising such a facility satisfies the Board of Zoning Appeals that the home complies with all state and/or local licensing requirements.
2. The home shall not be located closer than one thousand five hundred (1,500) feet to another Family Care Home, Home for Adjustment, Institution, Boarding House, Lodging House, or Group Care Home. Variances of more than ten percent (10%) of this requirement may not be considered.
3. The home shall be reasonably accessible, by reason of location or transportation provided by the operator, to necessary medical, psychiatric, recreational, or other services required by the residents.
4. Every room occupied for sleeping purposes within the home shall contain a minimum of eighty (80) square feet of habitable Floor Area for each occupant.
5. Will not be hazardous or disturbing to existing or officially planned future neighboring Uses from the standpoint of noise, lights, congestion of traffic generation which would be incompatible with the neighborhood environment.
6. The operator or agency applying for the Conditional Use Permit to operate such a facility shall provide the Board of Zoning Appeals with a plan that documents the following:
 - (a) The operator or agency applying for the Conditional Use Permit shall show the need for the home in relation to the specific clientele served by providing the following information:
 1. The clientele served.
 2. Location of other like facilities in Champaign County.
 3. Location of essential services for care and daily needs of the clientele served.
 - (b) A description of program objectives and the nature of other community-based residential social service facilities operated by such operator or agency.
 - (c) A list of the licensing agencies' standards and the sponsoring agency's standards for the operation of the desired facility.
7. The home shall provide adequate Off-Street parking area for each resident supervisor and/or resident who is permitted to own or operate an automobile.
8. The proposed use of the site as a Family Care Home shall be compatible with the present character of the neighborhood, considering noise, traffic, light, exterior Alterations of the Structure, or other potentially offensive characteristics.
9. Suitable space shall be provided for indoor and/or outdoor recreational activities for the clientele served, based upon generally accepted recreational standards or those specified by the licensing authority.
10. No exterior Alterations of the Structure shall be made which depart from the residential character of the Building. All new structures proposed shall be of compatible residential design with the surrounding neighborhood, to the degree possible.
11. All exterior lighting shall comply with state and/or local requirements.
12. The Conditional Use Permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.
13. In its review of each proposed facility, the Board of Zoning Appeals shall make specific finding of fact relative to the following criteria. Specifically the Board shall determine that the proposed facility:
 - (a) Is in fact a Family Care Home Facility and, if required, is licensed by the appropriate authority to provide such service within the State of Ohio (and the respective jurisdiction).
 - (b) Is in fact a needed facility in the location proposed, based upon evidence acceptable to the Board of Zoning Appeals. The BZA shall consider acceptable evidence the information requested in 6(a).
 - (c) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or officially planned Uses of the general vicinity and that such Use will not change the essential character of the same area. In this regard, it does not contribute to a concentration of such facilities in the respective area.

- (d) Will not be hazardous or disturbing to existing or officially planned future neighboring Uses from the standpoint of noise, lights, congestion or traffic generation which would be incompatible with the neighborhood environment.
- (e) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed Use shall be able to provide adequately any such services.
- (f) Will not involve Uses, activities and conditions of operation that will be detrimental to any persons, property, or the general welfare.
- (g) Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- (h) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Section 1066 Group Care Homes. Group Care Homes may be permitted as a Conditional Use within an adequately sized unattached residential Dwelling within Manufacturing District (M-1) subject to the following criteria:

1. No Group Home may be permitted unless the agency supervising such a facility satisfies the Board of Zoning Appeals that the home complies with all state and/or local licensing requirements.
2. The home shall not be located closer than one thousand five hundred (1,500) feet to another Group Care Home, Family Care Home, Home for Adjustment, Institution, Boarding House, Lodging House. Variances of more than ten percent (10%) of this requirement may not be considered.
3. The home shall be reasonably accessible, by reason of location or transportation provided by the operator, to necessary medical, psychiatric, recreational, or other services required by the residents.
4. Every room occupied for sleeping purposes within the home shall contain a minimum of eighty (80) square feet of habitable Floor Area for each occupant.
5. Will not be hazardous or disturbing to existing or officially planned future neighboring Uses from the standpoint of noise, lights, congestion of traffic generation which would be incompatible with the neighborhood environment.
6. The operator or agency applying for the Conditional Use Permit to operate such a facility shall provide the Board of Zoning Appeals with a plan that documents the following:
 - (a) The operator or agency applying for the Conditional Use Permit shall show the need for the home in relation to the specific clientele served by providing the following information:
 1. The clientele served.
 2. Location of other like facilities in Champaign County.
 3. Location of essential services for care and daily needs of the clientele served.
 - (b) A description of program objectives and the nature of other community-based residential social service facilities operated by such operator or agency.
 - (c) A list of the licensing agencies' standards and the sponsoring agency's standards for the operation of the desired facility.
7. The home shall provide adequate Off-Street parking area for each resident supervisor and/or resident who is permitted to own or operate an automobile.
8. The proposed use of the site as a group care home shall be compatible with the present character of the neighborhood, considering noise, traffic, light, exterior Alterations of the Structure, or other potentially offensive characteristics.
9. Suitable space shall be provided for indoor and/or outdoor recreational activities for the clientele served, based upon generally accepted recreational standards or those specified by the licensing authority.
10. No exterior Alterations of the Structure shall be made which depart from the residential character of the Building. All new structures proposed shall be of compatible residential design with the surrounding neighborhood, to the degree possible.
11. All exterior lighting shall comply with state and/or local requirements.
12. The Conditional Use Permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.

13. In its review of each proposed facility, the Board of Zoning Appeals shall make specific finding of fact relative to the following criteria. Specifically the Board shall determine that the proposed facility:
- (a) Is in fact a Group Care Home Facility and, if required, is licensed by the appropriate authority to provide such service within the State of Ohio (and the respective jurisdiction).
 - (b) Is in fact a needed facility in the location proposed, based upon evidence acceptable to the Board of Zoning Appeals as provided in 6(a).
 - (c) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or officially planned Uses of the general vicinity and that such Use will not change the essential character of the same area. In this regard, it does not contribute to a concentration of such facilities in the respective area.
 - (d) Will not be hazardous or disturbing to existing or officially planned future neighboring Uses from the standpoint of noise, lights, congestion or traffic generation which would be incompatible with the neighborhood environment.
 - (e) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed Use shall be able to provide adequately any such services.
 - (f) Will not involve Uses, activities and conditions of operation that will be detrimental to any persons, property, or the general welfare.
 - (g) Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
 - (h) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Section 1067 Home for Adjustment. A Home for Adjustment may be permitted as a Conditional Use within an adequately sized unattached residential Dwelling within Manufacturing District (M-1) subject to the following criteria:

- 1. No Home for Adjustment may be permitted unless the agency supervising such a facility satisfies the Board of Zoning Appeals that the home complies with all state and/or local licensing requirements.
- 2. The home shall not be located closer than one thousand five hundred (1,500) feet to another Home for Adjustment, Family Care Home, Institution, Boarding House, Lodging House or Group Care Home. Variances of more than ten percent (10%) of this requirement may not be considered.
- 3. The home shall be reasonably accessible, by reason of location or transportation provided by the operator, to necessary medical, psychiatric, recreational, or other services required by the residents.
- 4. Every room occupied for sleeping purposes within the home shall contain a minimum of eighty (80) square feet of habitable Floor Area for each occupant.
- 5. Will not be hazardous or disturbing to existing or officially planned future neighboring Uses from the standpoint of noise, lights, congestion of traffic generation which would be incompatible with the neighborhood environment.
- 6. The operator or agency applying for the Conditional Use Permit to operate such a facility shall provide the Board of Zoning Appeals with a plan that documents the following:
 - (a) The operator or agency applying for the Conditional Use Permit shall show the need for the home in relation to the specific clientele served by providing the following information:
 - 1. The clientele served.
 - 2. Location of other like facilities in Champaign County.
 - 3. Location of essential services for care and daily needs of the clientele served.
 - (b) A description of program objectives and the nature of other community-based residential social service facilities operated by such operator or agency.
 - (c) A list of the licensing agencies' standards and the sponsoring agency's standards for the operation of the desired facility.
- 7. The home shall provide adequate Off-Street parking area for each resident supervisor and/or resident who is permitted to own or operate an automobile.

8. The proposed use of the site as a Home For Adjustment shall be compatible with the present character of the neighborhood, considering noise, traffic, light, exterior Alterations of the Structure, or other potentially offensive characteristics.
9. Suitable space shall be provided for indoor and/or outdoor recreational activities for the clientele served, based upon generally accepted recreational standards or those specified by the licensing authority.
10. No exterior Alterations of the Structure shall be made which depart from the residential character of the Building. All new structures proposed shall be of compatible residential design with the surrounding neighborhood, to the degree possible.
11. All exterior lighting shall comply with state and/or local requirements.
12. The Conditional Use Permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.
13. In its review of each proposed facility, the Board of Zoning Appeals shall make specific finding of fact relative to the following criteria. Specifically the Board shall determine that the proposed facility:
 - (a) Is in fact a Home for Adjustment Facility and, if required, is licensed by the appropriate authority to provide such service within the State of Ohio (and the respective jurisdiction).
 - (b) Is in fact a needed facility in the location proposed, based upon evidence acceptable to the Board of Zoning Appeals as provided in 6(a).
 - (c) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or officially planned Uses of the general vicinity and that such Use will not change the essential character of the same area. In this regard, it does not contribute to a concentration of such facilities in the respective area.
 - (d) Will not be hazardous or disturbing to existing or officially planned future neighboring Uses from the standpoint of noise, lights, congestion or traffic generation which would be incompatible with the neighborhood environment.
 - (e) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed Use shall be able to provide adequately any such services.
 - (f) Will not involve Uses, activities and conditions of operation that will be detrimental to any persons, property, or the general welfare.
 - (g) Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
 - (h) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Section 1068 Institution: A Institution may be permitted as a Conditional Use within an adequately sized unattached residential Dwelling within Manufacturing District (M-1) subject to the following criteria:

1. No Institution may be permitted unless the agency supervising such a facility satisfies the Board of Zoning Appeals that the Institution complies with all state and/or local licensing requirements.
2. The Institution shall not be located closer than one thousand five hundred (1,500) feet to another Institution, Family Care Home, Home for Adjustment, Boarding House, Lodging House, or Group Care Home. Variances of more than ten percent (10%) of this requirement may not be considered.
3. The institution shall be reasonably accessible, by reason of location or transportation provided by the operator, to necessary medical, psychiatric, recreational, or other services required by the residents.
4. Every room occupied for sleeping purposes within the institution shall contain a minimum of eighty (80) square feet of habitable Floor Area for each occupant.
5. Will not be hazardous or disturbing to existing or officially planned future neighboring Uses from the standpoint of noise, lights, congestion of traffic generation which would be incompatible with the neighborhood environment.
6. The operator or agency applying for the Conditional Use Permit to operate such a facility shall provide the Board of Zoning Appeals with a plan that documents the following:
 - (a) The operator or agency applying for the Conditional Use Permit shall show the need for the home in relation to the specific clientele served by providing the following information:

1. The clientele served.
 2. Location of other like facilities in Champaign County.
 3. Location of essential services for care and daily needs of the clientele served.
 - (b) A description of program objectives and the nature of other community-based residential social service facilities operated by such operator or agency.
 - (c) A list of the licensing agencies' standards and the sponsoring agency's standards for the operation of the desired facility.
7. The institution shall provide adequate Off-Street parking area for each resident supervisor and/or resident who is permitted to own or operate an automobile.
 8. The proposed use of the site as an institution care home shall be compatible with the present character of the neighborhood, considering noise, traffic, light, exterior Alterations of the Structure, or other potentially offensive characteristics.
 9. Suitable space shall be provided for indoor and/or outdoor recreational activities for the clientele served, based upon generally accepted recreational standards or those specified by the licensing authority.
 10. No exterior Alterations of the Structure shall be made which depart from the residential character of the Building. All new structures proposed shall be of compatible residential design with the surrounding neighborhood, to the degree possible.
 11. All exterior lighting shall comply with state and/or local requirements.
 12. The Conditional Use Permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.
 13. In its review of each proposed facility, the Board of Zoning Appeals shall make specific finding of fact relative to the following criteria. Specifically the Board shall determine that the proposed facility:
 - (a) Is in fact an Institution and, if required, is licensed by the appropriate authority to provide such service within the State of Ohio (and the respective jurisdiction).
 - (b) Is in fact a needed facility in the location proposed, based upon evidence acceptable to the Board of Zoning Appeals as provided in 6(a)
 - (c) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or officially planned Uses of the general vicinity and that such Use will not change the essential character of the same area. In this regard, it does not contribute to a concentration of such facilities in the respective area.
 - (d) Will not be hazardous or disturbing to existing or officially planned future neighboring Uses from the standpoint of noise, lights, congestion or traffic generation which would be incompatible with the neighborhood environment.
 - (e) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed Use shall be able to provide adequately any such services.
 - (f) Will not involve Uses, activities and conditions of operation that will be detrimental to any persons, property, or the general welfare.
 - (g) Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
 - (h) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.



STAFF REPORT

FOR CONSIDERATION BY LUC REGIONAL PLANNING COMMISSION EXECUTIVE
COMMITTEE
April 14, 2011

CITY OF BELLEFONTAINE ANNEXATION REQUEST 3.237 ACRES OF ROAD RIGHT-OF-WAY

APPLICANT: City of Bellefontaine
James D. Holycross, Agent for Petitioners

REQUEST: Annexation of 3.237 acres of road right-of-way (ROW) along portions of Brennan Road, Ludlow Road, and Lake Avenue from Lake Township in Logan County to the City of Bellefontaine.

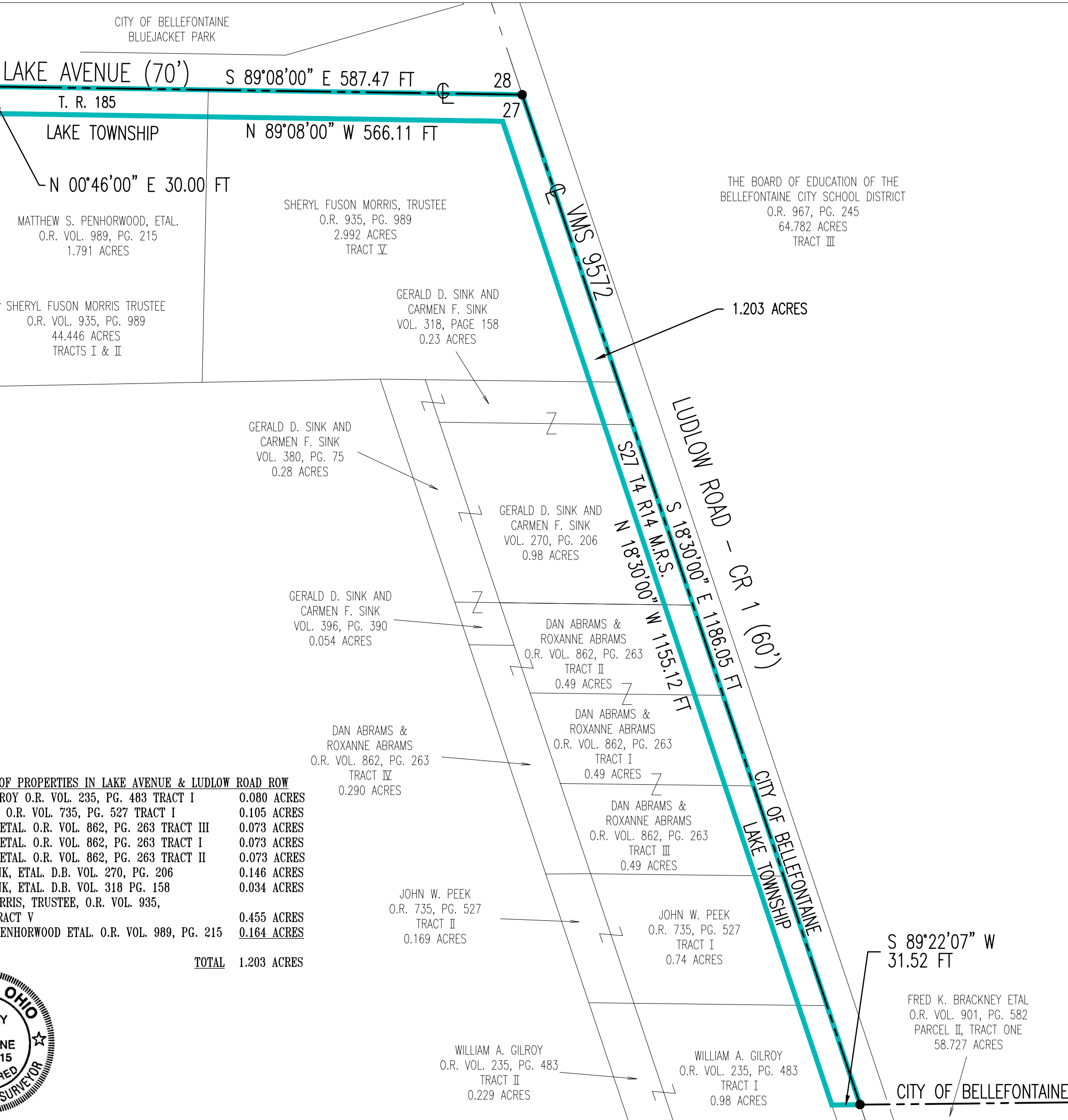
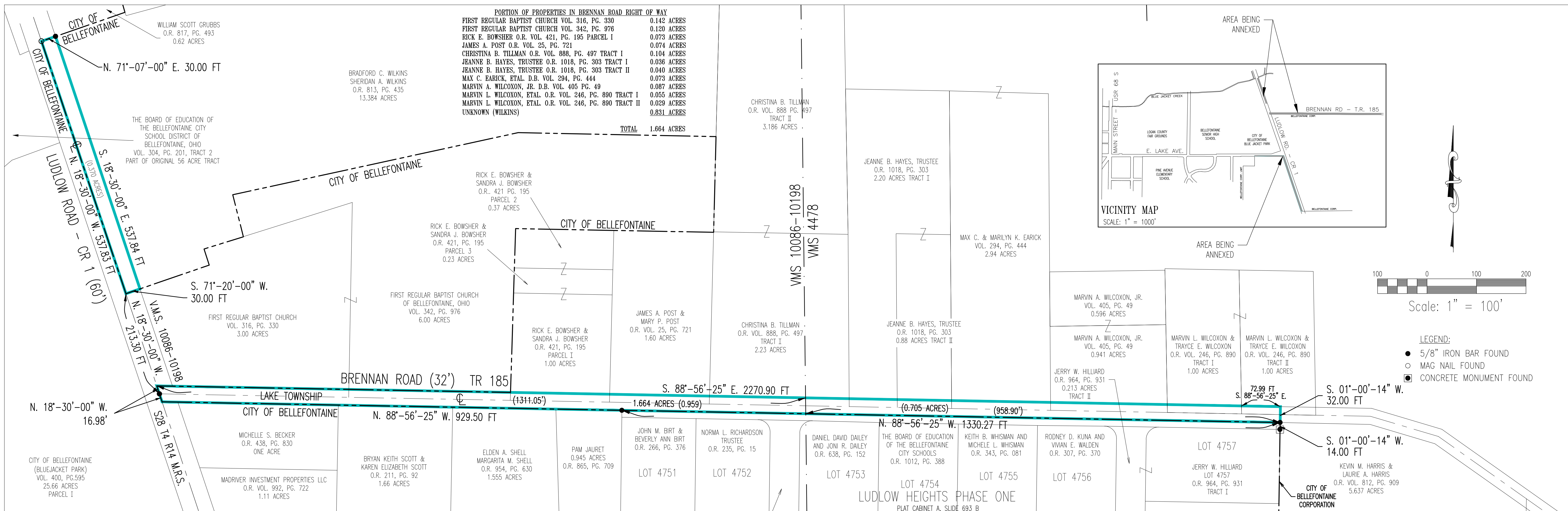
STAFF ANALYSIS:

- This annexation clears up remaining road right-of-way from previous annexations for portions of Brennan Road, Ludlow Road, and Lake Avenue.
- LUC reviewed the annexation of 8.764 acres along Brennan Road in August of 2009 where the issue of road ROW was discussed. At that time, Lake Township Trustee Peter Stolly advised that they were comfortable with the ROW being left in the Township for more control of access. Therefore, communication with the Township Trustees is advised.
- LUC has long brought up concerns when reviewing annexations that the road ROW's be included as part of the annexation of parcels.

STAFF RECOMMENDATIONS:

- Recommend **APPROVAL** of the proposed annexation of 3.237 Acres of road right-of-way along portions of Brennan Road, Ludlow Road, and Lake Avenue from Lake Township to the City of Bellefontaine. This proposed annexation gives the City an opportunity to clear up portions of road that were left out of previous annexations which has long been a concern of LUC when reviewing such annexations.

ZONING & SUBDIVISION COMMITTEE RECOMMENDATIONS:



LUDLOW ROAD & LAKE AVENUE RIGHT-OF-WAY DESCRIPTION

THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN LAKE TOWNSHIP, LOGAN COUNTY, OHIO AND LYING IN FRACTIONAL SECTION 27, TOWN 4 RANGE 14, M.R.S. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON BAR FOUND AT THE CENTERLINE INTERSECTION OF LUDLOW ROAD (C.R. 1) AND LAKE AVENUE (T.R. 185), THIS IRON BAR BEING LOCATED AT THE NORTHEAST CORNER OF SAID FRACTIONAL SECTION 27, AT THE NORTHEAST CORNER OF SHERYL FUSON MORRIS TRUSTEE'S 2.992 ACRE TRACT V AS IS DESCRIBED IN O.R. VOL. 935, PAGE 989 AND BEING AN ANGLE POINT IN THE SOUTH CORPORATION LINE OF THE CITY OF BELLEFONTAINE, OHIO;

THENCE WITH THE CENTERLINE OF LUDLOW ROAD SAID MORRIS TRACT EAST LINE EXTENDED AND SAID CORPORATION LINE, SAID CENTERLINE BEING THE EAST LINE OF SAID SECTION 27 AND IN THE WEST LINE OF V.M.S. 9572, S.18°-30'-00" E. 1186.05 FEET TO A 5/8" IRON BAR FOUND AT THE SOUTHWEST CORNER OF THE BOARD OF EDUCATION OF THE BELLEFONTAINE CITY SCHOOL DISTRICT'S 64.782 ACRE TRACT III AS IS DESCRIBED IN O.R. VOL. 967, PAGE 245 AND AT AN ANGLE POINT IN THE SOUTH CORPORATION LINE OF SAID CITY;

THENCE WITH THE PROJECTION OF SAID BOARD OF EDUCATION'S SOUTH LINE AND SAID SOUTH CORPORATION LINE S.89°-22'-07" W. 51.52 FEET TO A POINT IN THE WEST RIGHT-OF-WAY OF LUDLOW ROAD (60 FEET WIDE), SAID POINT BEING OFFSET 30 FEET PERPENDICULARLY FROM SAID ROAD CENTERLINE AND BEING LOCATED IN WILLIAM A. GILROY'S 0.98 ACRE TRACT I AS IS DESCRIBED IN O.R. VOL. 235, PAGE 483;

THENCE WITH SAID WEST RIGHT-OF-WAY LINE N.18°-30'-07" W. 1155.12 FEET THROUGH SAID WILLIAM A. GILROY'S AND THE FOLLOWING TRACTS: JOHN W. PECK'S 0.74 ACRE TRACT I AS IS DESCRIBED IN O.R. 735, PAGE 527; DAN ABRAMS AND ROXANNE ABRAMS 0.49 ACRE TRACTS III, I AND II AS IS DESCRIBED IN O.R. VOL. 862, PAGE 263; GERALD D. SINK ET AL'S 0.98 ACRE TRACT AS IS DESCRIBED IN D.B. VOL. 270, PAGE 206 AND HIS 0.23 ACRE TRACT AS IS DESCRIBED IN D.B. VOL. 318, PAGE 158 AND SAID MORRIS TRACT TO A POINT IN THE SOUTH RIGHT-OF-WAY OF LAKE AVENUE;

THENCE WITH SAID SOUTH RIGHT-OF-WAY LINE, 30' OFFSET PERPENDICULAR FROM AND PARALLEL TO SAID ROAD CENTERLINE AND THE NORTH LINE OF SECTION 27 THROUGH SAID MORRIS TRACT AND MATTHEW S. PENHORWOOD'S 1.791 ACRE TRACT AS DESCRIBED IN O.R. VOL. 989, PAGE 215, N.89°-08'-00" W. 566.11 FEET TO A POINT IN SAID PENHORWOOD'S WEST LINE AND IN AN EAST CORPORATION LINE OF SAID CITY;

THENCE WITH SAID PENHORWOOD WEST LINE AND SAID CORPORATION LINE N.00°-46'-00" E. 30.00 FEET TO A 5/8" IRON BAR FOUND IN THE CENTERLINE OF LAKE AVENUE AND THE NORTH LINE OF SAID SECTION 27 AND IN A SOUTH CORPORATION LINE OF SAID CITY;

THENCE WITH SAID ROAD CENTERLINE, SECTION AND CORPORATION LINE S.89°-08'-00" E. 587.47 FEET TO THE PLACE OF BEGINNING.

CONTAINING 1.203 ACRES MORE OR LESS OF THE EXISTING ROAD RIGHTS-OF-WAY OF LAKE AVENUE (T.R. 185) AND LUDLOW ROAD (C.R. 1) IN LAKE TOWNSHIP, OHIO.

LUDLOW ROAD & BRENNAN ROAD RIGHT-OF-WAY DESCRIPTION

THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN LAKE TOWNSHIP, LOGAN COUNTY, OHIO AND LYING IN VIRGINIA MILITARY SURVEYS 10086 - 10198 AND 4478 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR REFERENCE AT A 5/8" IRON BAR FOUND AT THE CENTERLINE INTERSECTION OF LUDLOW ROAD (C.O. RD. 1) AND BRENNAN ROAD (TWP. RD. 185) IN THE WEST LINE OF SAID V.M.S. 10086-10198 AND IN AN EAST CORPORATION LINE OF THE CITY OF BELLEFONTAINE AND EAST LINE OF SAID CITY'S 25.66 ACRE TRACT (BLUE JACKET PARK) AS IS RECORDED IN D. B. VOL. 400, PAGE 595 AND EAST LINE OF SECTION 28, TOWN 4, RANGE 14, M.R.S.; SAID INTERSECTION BEING AT THE SOUTHWEST CORNER OF THE FIRST REGULAR BAPTIST CHURCH'S 3.00 ACRE TRACT AS IS DESCRIBED IN D. B. VOLUME 316, PAGE 330;

THENCE WITH SAID CORPORATION LINE AND THE CENTERLINE OF LUDLOW ROAD AND THE WEST LINE OF SAID BAPTIST CHURCH 3.00 ACRE TRACT N.18°-30'-00" W. 213.30 FEET TO A POINT AT THE NORTHWEST CORNER OF SAID 3.00 ACRE TRACT AND AT THE SOUTHWEST CORNER OF BRADFORD C. WILKINS AND SHERIDAN A. WILKINS 13.384 ACRE TRACT AS IS DESCRIBED IN O.R. VOL. 817, PAGE 435, SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING WITH THE SAID CORPORATION LINE AND CENTERLINE AND THE WEST LINE OF SAID 13.384 ACRE TRACT N.18°-30'-00" W. 537.83 FEET TO A MAG NAIL FOUND AT THE NORTHWEST CORNER OF SAID 13.384 ACRE TRACT ALSO BEING THE SOUTHWEST CORNER OF WILLIAM SCOTT GRUBBS' 0.62 ACRE TRACT AS IS DESCRIBED IN O.R. VOLUME 817, PAGE 493;

THENCE WITH THE SOUTH LINE OF SAID GRUBBS TRACT N.71°-07'-00" E. 30.00 FEET TO A 5/8" IRON BAR FOUND IN THE EAST RIGHT-OF-WAY LINE OF LUDLOW ROAD;

THENCE WITH SAID EAST RIGHT-OF-WAY LINE 30.00 FEET EAST OF AND PARALLEL TO THE CENTERLINE OF LUDLOW ROAD TRAVELING THROUGH SAID WILKINS' TRACT S.18°-30'-00" E. 537.84 FEET TO A POINT IN SAID WILKINS' SOUTH LINE AND IN THE NORTH LINE OF SAID CHURCH'S 3.00 ACRE TRACT;

THENCE WITH SAID COMMON WILKINS' AND CHURCH LINE S.71°-20'-00" W. 30.00 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.370 ACRES MORE OR LESS OF THE EXISTING ROAD RIGHT OF WAY OF LUDLOW ROAD (C.R.1) IN V.M.S. 10086-10198, LAKE TOWNSHIP, LOGAN COUNTY, OHIO.

THE ABOVE ANNEXATION MAP HAS BEEN PREPARED FROM RECORDS BY THE CITY OF BELLEFONTAINE, THIS IS NOT A BOUNDARY SURVEY AS DEFINED IN 4793-37 OF THE OHIO ADMINISTRATIVE CODE.

NORTH LUDLOW ROAD RIGHT-OF-WAY DESCRIPTION

THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN LAKE TOWNSHIP, LOGAN COUNTY, OHIO AND LYING IN VIRGINIA MILITARY SURVEYS 10086 - 10198 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR REFERENCE AT A 5/8" IRON BAR FOUND AT THE CENTERLINE INTERSECTION OF LUDLOW ROAD (C.O. RD. 1) AND BRENNAN ROAD (TWP. RD. 185) IN THE WEST LINE OF SAID V.M.S. 10086-10198 AND IN AN EAST CORPORATION LINE OF THE CITY OF BELLEFONTAINE AND EAST LINE OF SAID CITY'S 25.66 ACRE TRACT (BLUE JACKET PARK) AS IS RECORDED IN D. B. VOL. 400, PAGE 595 AND EAST LINE OF SECTION 28, TOWN 4, RANGE 14, M.R.S.; SAID INTERSECTION BEING AT THE SOUTHWEST CORNER OF THE FIRST REGULAR BAPTIST CHURCH'S 3.00 ACRE TRACT AS IS DESCRIBED IN D. B. VOLUME 316, PAGE 330;

THENCE WITH SAID CORPORATION LINE AND THE CENTERLINE OF LUDLOW ROAD AND THE WEST LINE OF SAID BAPTIST CHURCH 3.00 ACRE TRACT N.18°-30'-00" W. 213.30 FEET TO A POINT AT THE NORTHWEST CORNER OF SAID 3.00 ACRE TRACT AND AT THE SOUTHWEST CORNER OF BRADFORD C. WILKINS AND SHERIDAN A. WILKINS 13.384 ACRE TRACT AS IS DESCRIBED IN O.R. VOL. 817, PAGE 435, SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING WITH THE SAID CORPORATION LINE AND CENTERLINE AND THE WEST LINE OF SAID 13.384 ACRE TRACT N.18°-30'-00" W. 537.83 FEET TO A MAG NAIL FOUND AT THE NORTHWEST CORNER OF SAID 13.384 ACRE TRACT ALSO BEING THE SOUTHWEST CORNER OF WILLIAM SCOTT GRUBBS' 0.62 ACRE TRACT AS IS DESCRIBED IN O.R. VOLUME 817, PAGE 493;

THENCE WITH THE SOUTH LINE OF SAID GRUBBS TRACT N.71°-07'-00" E. 30.00 FEET TO A 5/8" IRON BAR FOUND IN THE EAST RIGHT-OF-WAY LINE OF LUDLOW ROAD;

THENCE WITH SAID EAST RIGHT-OF-WAY LINE 30.00 FEET EAST OF AND PARALLEL TO THE CENTERLINE OF LUDLOW ROAD TRAVELING THROUGH SAID WILKINS' TRACT S.18°-30'-00" E. 537.84 FEET TO A POINT IN SAID WILKINS' SOUTH LINE AND IN THE NORTH LINE OF SAID CHURCH'S 3.00 ACRE TRACT;

THENCE WITH SAID COMMON WILKINS' AND CHURCH LINE S.71°-20'-00" W. 30.00 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.370 ACRES MORE OR LESS OF THE EXISTING ROAD RIGHT OF WAY OF LUDLOW ROAD (C.R.1) IN V.M.S. 10086-10198, LAKE TOWNSHIP, LOGAN COUNTY, OHIO.

LUDLOW ROAD & BRENNAN ROAD RIGHT-OF-WAY DESCRIPTION

THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN LAKE TOWNSHIP, LOGAN COUNTY, OHIO AND LYING IN VIRGINIA MILITARY SURVEYS 10086 - 10198 AND 4478 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR REFERENCE AT A 5/8" IRON BAR FOUND AT THE CENTERLINE INTERSECTION OF LUDLOW ROAD (C.O. RD. 1) AND BRENNAN ROAD (TWP. RD. 185) IN THE WEST LINE OF SAID V.M.S. 10086-10198 AND IN AN EAST CORPORATION LINE OF THE CITY OF BELLEFONTAINE AND EAST LINE OF SAID CITY'S 25.66 ACRE TRACT (BLUE JACKET PARK) AS IS RECORDED IN D. B. VOL. 400, PAGE 595 AND EAST LINE OF SECTION 28, TOWN 4, RANGE 14, M.R.S.; SAID INTERSECTION BEING AT THE SOUTHWEST CORNER OF THE FIRST REGULAR BAPTIST CHURCH'S 3.00 ACRE TRACT AS IS DESCRIBED IN D. B. VOLUME 316, PAGE 330;

THENCE WITH SAID CORPORATION LINE AND THE CENTERLINE OF LUDLOW ROAD AND THE WEST LINE OF SAID BAPTIST CHURCH 3.00 ACRE TRACT N.18°-30'-00" W. 16.98 FEET TO A POINT;

THENCE WITH AND THE NORTH RIGHT OF WAY LINE OF BRENNAN ROAD PROJECTED, 16 FEET NORTH OF AND PARALLEL TO THE CENTERLINE OF BRENNAN ROAD S.88°-56'-25" E. 2270.90 FEET TO A POINT IN MARVIN L. AND TRAYCE E. WILCOXON'S 1.00 ACRE TRACT II AS IS DESCRIBED IN O. R. VOLUME 246, PAGE 890 THAT IS 72.99 FEET EAST OF THEIR WEST LINE, AND TRAVELING THROUGH THE FOLLOWING PROPERTIES: SAID BAPTIST CHURCH'S 3.00 ACRE TRACT AND THEIR 6.00 ACRE TRACT AS IS DESCRIBED IN D. B. VOLUME 342, PAGE 976; RICK E. AND SANDRA J. BOWSHER'S 1.00 ACRE PARCEL 1 AS IS DESCRIBED IN O. R. VOLUME 421, PAGE 195; JAMES A. AND MARY P. POST'S 1.60 ACRE TRACT AS IS DESCRIBED IN O. R. VOLUME 25, PAGE 721; CHRISTINA B. TILLMAN'S 2.23 ACRE TRACT I AS IS DESCRIBED IN O. R. VOLUME 888, PAGE 497; JEANNE B. HAYES, TRUSTEE'S 2.20 ACRE TRACT I AND 0.88 ACRE TRACT II AS ARE DESCRIBED IN O.R. 1018, PAGE 303; MAX C. AND MARILYN K. EARICK'S 2.94 ACRE TRACT AS IS DESCRIBED IN D. B. VOLUME 294, PAGE 444; MARVIN A. WILCOXON, JR.'S 0.941 ACRE TRACT AS IS DESCRIBED IN D. B. VOLUME 405, PAGE 49 AND MARVIN L. AND TRAYCE E. WILCOXON'S 1.00 ACRE TRACT I AS IS DESCRIBED IN O. R. VOLUME 246, PAGE 890 AND PASSING INTO THEIR SAID TRACT II AT 2197.91 FEET AND PASSING INTO V.M.S. 4478 AT 1311.05 FEET;

THENCE ACROSS BRENNAN ROAD AND ALONG THE PROJECTION OF THE CITY OF BELLEFONTAINE'S EAST CORPORATION LINE S.1°-00'-14" W. 32.00 FEET TO A 5/8" IRON ROD FOUND IN A NORTH CORPORATION LINE OF THE CITY OF BELLEFONTAINE SAID IRON BAR BEING AT THE NORTHEAST CORNER OF LUDLOW HEIGHTS SUBDIVISION PHASE ONE AS IS RECORDED IN PLAT CABINET A, SLIDE 693B AND BEING N.01°-00'-14" E. 14.00 FEET FROM A CONCRETE MONUMENT FOUND AT THE SOUTH RIGHT-OF-WAY LINE OF TWP. RD. 185 AND THE NORTHEAST CORNER OF CITY LOT #4757;

THENCE WITH THE NORTH LINE OF SAID SUBDIVISION AND CORPORATION LINE AND BEING 14' NORTH OF AND PARALLEL TO THE SOUTH RIGHT-OF-WAY LINE OF BRENNAN ROAD N.88°-56'-25" W. 1330.27 FEET TO A 5/8" IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID SUBDIVISION AND AT THE NORTHEAST CORNER OF PAM JAURET'S 0.945 ACRE TRACT AS IS DESCRIBED IN O. R. VOLUME 865, PAGE 709 AND PASSING INTO V.M.S. 10086-10198 AT 958.90 FEET;

THENCE CONTINUING WITH SAID CORPORATION LINE AND SOUTH RIGHT-OF-WAY LINE AND THE NORTH LINE OF SAID JAURET, ELDEN A. SHELL AND MARGARITA M. SHELL'S 1.555 ACRE TRACT AS IS DESCRIBED IN O. R. VOLUME 954, PAGE 630; BRYAN K. AND KAREN E. SCOTT'S 1.66 ACRE TRACT AS IS DESCRIBED IN O. R. VOL. 211, PAGE 92 AND MICHELLE S. BECKER'S ONE ACRE TRACT AS IS DESCRIBED IN O. R. VOLUME 438, PAGE 830, N.88°-56'-25" W. 929.50 FEET TO A POINT IN THE CENTERLINE OF LUDLOW ROAD AND SAID EAST CORPORATION LINE.

THENCE WITH SAID ROAD CENTERLINE AND CORPORATION LINE N.18°-30'-00" W. 16.98 FEET TO THE PLACE OF BEGINNING.

CONTAINING 1.664 ACRES MORE OR LESS OF THE EXISTING ROAD RIGHTS-OF-WAY OF LUDLOW ROAD (C.R.1) AND BRENNAN ROAD (TWP. RD. 185) IN LAKE TOWNSHIP, LOGAN COUNTY, OHIO, OF WHICH 0.959 ACRES ARE IN V. M.S. 10086 - 10198 AND 0.705 ACRES ARE IN V.M.S. 4478.

LOGAN COUNTY COMMISSIONERS	_____	DATE
LOGAN COUNTY ENGINEER	_____	DATE
CHAIRMAN, TOWNSHIP TRUSTEES	_____	DATE
L.U.C. PLANNING DIRECTOR	_____	DATE
MAYOR OF BELLEFONTAINE	_____	DATE
PRESIDENT, CITY COUNCIL	_____	DATE
CLERK, CITY COUNCIL	_____	DATE
PLAT PRE-APPROVED	_____	DATE
PLAT CHECKED	_____	DATE
CITY ORDINANCE NUMBER	_____	DATE
TRANSFERRED THIS _____ DAY OF _____, 20____		
AUDITOR, LOGAN COUNTY, OHIO	_____	DATE
RECEIVED FOR RECORD AT _____ O'CLOCK _____ M.		
THIS _____ DAY OF _____, 20____		
RECORDER, LOGAN COUNTY, OHIO	_____	DATE
RECORDED IN PLAT CABINET _____, SLIDE _____		

BRENNAN ROAD, LUDLOW ROAD AND LAKE AVENUE RIGHT OF WAY ANNEXATION

SITUATED IN SECTION 27, TOWN 4, RANGE 14
BEHIND THE MIAMI RIVERS SURVEY &
V.M.S. 10086-10198 & V.M.S. 4478
LAKE TOWNSHIP, LOGAN COUNTY & STATE OF OHIO





Logan County Commissioners

The Colonial Building
117 E. Columbus Ave. Suite 100 ♦ Bellefontaine, Ohio 43311
(937) 599-7283 ♦ (937) 599-7268 (Fax)

John Bayliss ♦ Tony Core ♦ Dustin Wickersham

BRIAN DUNN
SPECIAL PROJECTS COORDINATOR

KACY D. KIRBY
CLERK/ADMINISTRATOR

Resolution No. 87-11

The Logan County Board of Commissioners met in regular open session on this date of March 17, 2011 with the full board present.

Mr. Anthony E. Core moved that the following resolution be adopted:

RE: ACCEPT PETITION FOR REGULAR ANNEXATION AND SET HEARING – 3.237 ACRES IN LAKE TOWNSHIP INTO THE CITY OF BELLEFONTAINE

WHEREAS, a petition for the annexation of certain real property located in Lake Township, containing 3.237 acres, more or less, as more particularly described in the attached Exhibit A, has been filed in the office of the Board of Logan County Commissioners on March 15, 2011, and

WHEREAS, the annexation petition requests that the territory be annexed into the City of Bellefontaine, and

WHEREAS, the Board of Logan County Commissioners finds that the Clerk of the Board has caused the Petition to be entered upon the record of the proceedings of the Board, and has filed a copy of the Petition with the Auditor and Engineer of Logan County, and

WHEREAS, a hearing should be held on the Annexation Petition in accordance with the law,

THEREFORE BE IT HEREBY RESOLVED by the Logan County Board of Commissioners to set the date of **May 24, 2011 at 10:00 a.m.** for a hearing on the petition for annexation of 3.237 acres in Lake Township in Logan County, as petitions by James D. Holycross, Agent for Petitioners, and

BE IT FURTHER RESOLVED that the Clerk of the Board of Logan County Commissioners shall give notice of the hearing to the agent for the Petitioners by giving the agent a certified copy of this resolution and that the agent shall give notice of the hearing in accordance with the law.

Mr. John Bayliss seconded the motion.

Roll call resulted as follows:

Anthony E. Core Yes
Mr. Anthony E. Core, President

John Bayliss yes
Mr. John Bayliss, Vice President

Dustin A. Wickersham yes
Mr. Dustin A. Wickersham, Member

I, Kacy D. Kirby, Clerk/Administrator, hereby certify this to be a true copy of the proceedings as taken from the minutes of the meeting of the Logan County Commissioners on this date of March 17, 2011.

Kacy D. Kirby
Kacy D. Kirby, Clerk/Administrator



Zoning & Subdivision Committee

Thursday, April 14, 2011 12:15 pm

The Zoning and Subdivision Committee met in regular session on Thursday, April 14, 2011, at 12:15 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, Jenny Snapp, Jeff Stauch, and Andy Yoder. Absent member was Fereidoun Shokouhi. Guest included was Bill Nibert.

Scott Coleman chaired the Zoning & Subdivision Committee Meeting.

Minutes of the March 8, 2011, meeting were approved as written with Paul Hammersmith making the first motion to approve and Brad Bodenmiller making the second motion. All in favor.

1. Review of Various Zoning Text Amendments, in Salem Township (Champaign County) – Staff Report by Wes Dodds
 - Wes reviewed the staff report for the Zoning and Subdivision Committee members.
 - Greg – I have a few comments. Semi trailer intermodal containers, when I read that, it read odd to me and I don't know if there can be some verbiage changes in it. What I would recommend is maybe in the second line where it says: "so that in operation", you just switch that to say, "in which" and then further down where it says "or" on the same line maybe put "and/or". And then in the following line scratch "or both". And I have another question, why is this concerning persons being carried? I think if you read it, it says a vehicle designed for carrying persons or property with another or separate motor vehicle part of its own weight and/or that of its load and is carried by another vehicle. I mean, it just seems choppy. Another thing I noted was under the Board of Zoning, Section 509, I mentioned this to Wes yesterday also, they have initial appointments. It just says shall be one, two, three, four, five year terms but it's not saying how many members per term. I think they probably want to say one member for each one, two, three, four and five. Otherwise, they could put three people at three years.
 - Brad – Out of curiosity, how were they considering wording the conditional use part?
 - Wes – they don't have a problem with the language as far as it's requiring it to meet requirements if it's on a lot of its own, but rather than just making it a general statement that it's permitted as long as it does that.
 - Brad – So should it just say additional principal buildings?
 - Wes – That's what she suggested.



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- Brad – Okay. I was just kind of curious, I didn't really have anything.
 - Greg – Hey Wes, there was also that numerical thing in the chart that's missing.
 - Andy Yoder made the first motion to recommend approval of the Salem Township Various Text Amendments with comments of the staff and Zoning and Subdivision Committee and Charles Hall made the second motion to recommend approval of the Salem Township Various Text Amendments with comments of the staff and Zoning and Subdivision Committee. All in favor.
2. City of Bellefontaine – Proposed Annexation of 3.237 acres of road right-of-way in Lake Township – Staff Report by Jenny Snapp.
- Jenny informed committee members that the review of the Bellefontaine annexation was an informal review and we just provide comments back to them but it's not something that's required for us to do.
 - Jenny reviewed the staff report for the Zoning and Subdivision Committee members.
 - Andy – Was the annexation all to the center of the road?
 - Jenny – I think
 - Scott – I had a question about that too. There's actually an area on Brennan Road that is unaccounted for. There's half of a right-of-way, the right-of-ways kind of questionable as to it wasn't really included in any of the lots. As I recall, there's some issues there but, anyway, we've been living with it and we're continuing living with it. There's just a discrepancy I think it's the way those lots on the South side cut off. They didn't include the right-of-way; put those lots in on the south side of the road. That's how I recall. Really, what's in the roadway there is still owned technically by the original owner of the land. I think that's what I recall. I haven't looked at it.
 - Andy – When would that become a problem?
 - Scott – Well, I guess if there was a vacation, and then probably would be the only issue where that would be. I really don't think it's a problem. It's just another error that occurs over the years. Vacation laws are required to go back to the adjacent lot owners anyway.
 - Paul – So the annexation just goes up to the right-of-way on one?
 - Scott – Well they are annexing the road. They've annexed everything else. I have not talked to the Township Trustees but I did notify them that this was coming through and I think the City was supposed to be meeting with the Board of Trustees regarding the annexation so I don't know what their take is. The Commissioners have scheduled a hearing in May. Really the only comment and I think it would be appropriate from us, is to encourage the City to maintain appropriate speed zones as established by engineering studies and encourage proper access to these sections of highway levels of

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



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service. I think we're okay with it. This has kind of been our ongoing concern that we don't automatically make adjustments to speed since it's been annexed now. And they are proposing the new school on the property to the south, off of these lots but as of right now, I think they are still; they are not going to put access on Brennan Road. I don't think there will be a school zone on Brennan Road. I think at such time that maybe until such time that they decide they can afford to build an access.

- Jenny – So your recommendation is to encourage the city to maintain appropriate speed zones and access control for existing service.
- Scott – Yes. Speed zones according to, established by engineering studies.
- Greg – I have a question. When they annexed before... *audio was mumbled and couldn't be understood.*
- Scott – That's an additional easement that was granted.
- Greg – That's already been annexed?
- Scott – Yes.
- Greg – There isn't going to be another gap later on?
- Scott – I think what they did was put in an extra ten foot easement there. Where are you talking about?
- Greg – Down on the right hand side there's like a gap in the lot line. I wanted to make sure.
- Scott – Yeah I think that was included in the annexation.
- Paul Hammersmith made the first motion to recommend approval of the City of Bellefontaine proposed annexation of 3.237 acres of road right-of-way in Lake Township incorporating comments from Scott Coleman and LUC Staff and Greg DeLong made the second motion to recommend approval of the City of Bellefontaine proposed annexation of 3.237 acres of road right-of-way in Lake Township incorporating comments from Scott Coleman and LUC Staff. All in favor.

The Zoning and Subdivision Committee adjourned at 12:32 pm with Paul Hammersmith making the first motion to adjourn and Andy Yoder made the second motion to adjourn.

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