



**BOARD OF COUNTY COMMISSIONERS**  
**RON AMSTUTZ • JONATHAN HOFSTETTER • SUE A. SMAIL**

**MINUTES**

**WAYNE COUNTY PLANNING COMMISSION MEETING**  
**WAYNE COUNTY ADMINISTRATION BUILDING**  
**WAYNE COUNTY PLANNING DEPARTMENT -**  
**3:00 PM WEDNESDAY: December 13th, 2023**

**MEMBERS PRESENT:** Ron Amstutz, John Fitzpatrick, Bob Gralinski, Brian Gwin, Jon Hofstetter, Amy Marinello, Joel Montgomery, Gene Pouly, and Sue Smail.

**MEMBERS ABSENT:** Bill Cletzer and Steve Wheeler

**OTHERS PRESENT:** Brogan Stout, Matt Root, Andrea Uhler, Matt Long, Mike Miller, Richard Ramsdell and John Long

**PLANNING STAFF PRESENT:** Jenn Kiper and Stephanie Featheringill

**OTHER STAFF PRESENT:** Rob Kastner, Andrew Jones, Kelly Starliper, Stacey Peppard, and Tom McCarty

**CALLED TO ORDER:** Vice Chairman Pouly called the meeting to order

**ROLL CALLED:** Secretary Fitzpatrick called the Roll; a Quorum was present

**OATH ADMINISTERED:** Vice Chairman Pouly administered Oath to anyone intending to speak at the meeting

**MINUTES:** November 8<sup>th</sup>, 2023

*Commission asked for review and to be approved at the next regularly scheduled planning commission meeting.*

**OLD BUSINESS:** None

**NEW BUSINESS:** None  
**SUBDIVISION REPORT:** *Staff Recommended Acceptance of Report as Presented*  
*Moved by Amy Marinello to approve as presented*  
*Seconded by Jon Hofstetter*  
*MOTION carried*

**EXTENSIONS:** None

VARIANCES: None  
COMMON ACCESS DRIVES: MCAD-23-05

**MCAD-23-05, PLA 11 SW, CR 139 HEYL ROAD, APPLICANT: SJL, OWNER: CARL FINLEY, SURVEYOR: SJL.**

The applicant is proposing to create (6) six lot CAD. A 3.438-acre lot, a 6.061-acre lot, a 3.945-acre lot, a 3.283-acre lot, a 3.217-acre lot and a 3.414-acre lot all on a 30- wide common access drive with a cul-de-sac turnaround per sec 2.6 (C) (9). The lot is part of an existing– Donald Sigler Allotment and will be Donald Sigler Allotment #3.

***Health:*** For the proposed 3.438, 3.045, 3.283, 3.217, and 3.414 vacant acre parcels - Applicant must submit a soils report from a certified soil scientist identifying soil(s) in the primary and secondary replacement sewage treatment system area. Applicant must submit a plot plan noting the location of the primary and replacement septic system. A new STS shall not be sited in an area identified as a flood way, and only below grade soil absorption components of a new STS may be sited within any part of the one hundred-year flood plain except where prohibited by federal, state, or local regulations or ordinances. Applicant must submit the \$625 lot split review fee for the TRC application ( $\$125 \times 5 = \$625$ ). **Health waives review for the remainders.**

***Planning:*** The Planning Commission will review this proposal at the December 13, 2023 PC meeting. The proposal was sent to the New Pittsburg fire department.

Staff recommends approval of a 6 lot Common Access Driveway per section 2.6

1. The drive shall be constructed to all standards according to Section 2.6. (c) (9)
2. A cul-de-sac turnaround must be installed per regulations because it will be for 6-10 lots. See figure 3 for reference.
3. Common access drive must satisfy the access management standards.
4. A common access drive must be placed within a defined access easement benefitting the lots which front on the common access drive. The design must be prepared by a licensed professional survey or engineer.
5. A homeowner's association or a common access drive agreement must be established in perpetuity for all lots served by the common access drive. Such agreement must be approved and placed on plat, referenced by deeds for all lots served and reordered by Recorder's Office.

***Wayne SWCD:*** A watercourse was observed extending from the west property line of the proposed 5.081-acre parcel to the east property line of the proposed 3.438-acre parcel. Survey Drawing Note: A watercourse was observed on the proposed 5.081 and 3.438 acre parcels, as shown and identified on the survey drawing. State and Federal requirements may apply. It is up to the applicant to contact any agencies with jurisdiction in the watercourse before earth-disturbing activity is conducted in the watercourse. A Construction Application for Permit (CAP) shall be submitted to the Wayne SWCD office prior to constructing the Common Access Drive (CAD). Based on an estimated earth disturbance of one half acre of ground for each vacant, residential building lot, the total earth disturbance for the five lots and the construction of the common access drive will be one acre or greater. Therefore, a Storm Water Pollution Prevention Plan (SWP3), meeting the requirements of the Wayne County Storm Water Management Regulations, shall be attached to the CAP. All culverts to be installed for the purpose of constructing the CAD, shall be sized, by a Professional Engineer, to meet the Subdivision Regulations requirements. If a drive culvert is installed through the watercourse for the driveway to Lot 1, the culvert shall be sized by a professional engineer. The National Wetlands Inventory Map indicates that wetlands exist on the 3.045-acre parcel. Please note the wetland was identified on the electronic version of the National Wetlands Inventory Map. It is up to the applicant to contact any agencies with jurisdiction in the wetlands before earth-disturbing activity is conducted in the wetlands (See attached National Wetlands Inventory Map).

***Map:*** No comment.

**Engineering:** The parent parcel (Lot 4) has an existing driveway identified as 5219 Heyl road that is in an acceptable location. The review fee for this lot split request is \$50 for each parcel, including the parent tract, for a total of \$300. Heyl road is classified as a local road with a 35' setback from the ROW line. Based upon the above review comments, this office does not have any additional concerns regarding this review.

Ms. Kiper presented the Common Access Drive. John Long then introduced himself as the surveyor for the application and stated this is an existing allotment and they would be taking original lot number 2 and making that into a 6 lot CAD. That there is an existing home on the new lot 2 and an out building on the new lot 3. Staff explained that the application will meet new CAD subdivision standards. Staff also stated they had reached out the fire department for comment and did not receive any but that the new CAD standards were approved to meet the fire and safety guidelines.

Commission member Pouly as about floodplain and lot sizes and staff explained the standards in the subdivision regulations on lot sizes and that planning, soil and water and health all comment when a property is in the floodplain.

*Moved by Joel Montgomery to approve*

*Seconded by Jon Hofstetter,*

*MOTION carried*

MAJOR SUBDIVISIONS:

MA-23-02 (preliminary and final approval)

**MA-23-02 PLA 9 SE, CR 8, ANGLING ROAD, CR 36, FRIESTONE ROAD AND CR 139 HEYL ROAD, APPLICANT: SJL, OWNER: CARL FINLEY, SURVEYOR: SJL**

The applicant is proposing to split a total of 14 lots. Lot 33, a 1.679-acre lot, lots 34-41, are all 1.500-acre lots, lot 42 a 3.8.23-acre lot, lot 43 a 2.432-acre lot, lot 44 a 2.513-acre, lot 45 a 2.158-acre lot and lot 46 a 2.020-acre lot.

Lot 33 will have 274.88' of frontage on Firestone Road and 239.88' of frontage on Angling. Lot 34 will have 197.76' of frontage, lot 35 will have 181.42' of frontage, lots 36 will have 181.84' of frontage, lot 37 will have 187.49' of frontage, lot 38 will have 193.71' of frontage, lot 39 will have 202.98' of frontage, lot 40 will have 197.11' of frontage and lot 41 will have 188.40' of frontage all on Angling Road.

The proposed lot 42 will have 178.27' of frontage on Firestone Road. The Proposed lots 43,44, 45 and 46 will be on a Common Access Drive that has 50' of frontage on Heyl Road.

**Health: Health waives review for all parcels since all requirements have been met.**

**Planning:** Application received Conceptual Approval at the May 10th, 2023 PC meeting and staff recommends preliminary and final approval contingent on compliance with the TRC requirements. One of the requirements is a subdivision name in which it is phase 4 of the Arrowhead Allotment. Planning Commission has final approval of the subdivision name per Section 3.4 Development Standard (H). This can be accomplished at a Planning Commission meeting if all the TRC comments are met.

The proposal was sent to the New Pittsburg fire department.

Staff recommends approval of a Type 1 CAD with the following conditions:

1. The drive shall be constructed to all standards according to Section 2.6.
2. The required signage installed
3. A T-type turnaround installed
4. An approved shared drive agreement submitted

The purpose of a major subdivision is to ensure creation of sound neighborhoods that are sensitive to the county's rural character, responsive to environmental constraints and be consistent with the Comprehensive Plan. Arrowhead Estates allotment number #1 is to the south of the proposed allotment and would just be an extension of the already existing allotment.

**Wayne SWCD:** A 20-foot-wide drainage course exists extending from the east property line to the south property line of the proposed 2.052-acre parcel. A 20-foot-wide drainage course exists extending from the

east property line to the south property line of the proposed 1.629-acre parcel. A 20-foot-wide drainage course exists extending from the east property line to the southeast property line of the proposed 1.629-acre parcel. A 20-foot-wide drainage course exists extending from the east property line to the west property line of the proposed 1.633-acre parcel. A 20-foot drainage course exists extending from the north property line of the proposed 2.02-acre parcel west through the proposed 2.158-acre parcel to the north property line of the proposed 2.513-acre parcel. A 20-foot drainage course exists extending from the east property of the proposed 2.158-acre parcel to the north property line of the proposed 2.513-acre parcel. A 20-foot-wide drainage course exists extending from the south property line to the north property line of the proposed 2.483-acre parcel. A 20-foot-wide drainage course exists extending from the north property line to the west property line of the proposed 2.483-acre parcel. A 20-foot-wide drainage course exists extending from the south property line to the north property line of the proposed 3.946-acre parcel. A 20-foot-wide drainage course exists extending from the east property line to the west property line of the proposed 3.946-acre parcel. The approximate location of the drainage course is shown on the attached aerial photo, however, the drainage course location indicated on the survey drawing shall depict the actual location of the drainage course as it exists in the field. Drainage Course Note: A drainage course was observed on the proposed 2.052, 1.629, 1.633, 2.02, 2.158, 2.513, 2.483, 3.946 acre parcels. The drainage course is a swale, as shown and identified on the survey drawing. The drainage course should be preserved as a means of disposing stormwater and groundwater and is intended to benefit all who adjoin it. To preserve the function of the drainage, course an area described as, ten feet on each side of the centerline of the swale, extending along its entire length, should not be impeded. Within the drainage course, no structure, fencing, culvert or other material should be placed or permitted to remain which may obstruct, retard or divert the flow.

A Construction Application for Permit (CAP) shall be submitted to the Wayne SWCD office prior to constructing the common access drive or a dwelling in the proposed major subdivision. Based on an estimated earth disturbance of one half acre of ground for each vacant, residential building lot, the total earth disturbance will be one acre or greater. Therefore, a Storm Water Pollution Prevention Plan (SWP3), meeting the requirements of the Wayne County Storm Water Management Regulations, shall be attached to the CAP.

MA-23-02: Prelim and Final: Our original comments dated 4/18/23 still apply to this application. Drainage and drainage course easements shall be shown on the plat around proposed storm water basins and drainage courses, respectively, per Section 3.7 (E) of the Wayne County Subdivision Regulations. Language on the plat regarding the stormwater management system shall be per the Subdivision Regulations and Sections 7.04 and 7.07 of the Wayne County Storm Water Management Regulations, as well as, any additional language as required by the Wayne Soil & Water Conservation District.

**Map:** No Comment.

**Engineering:** Utility & right-of-way work permits have been submitted. This office has no further comments.

**Comments from the May 10<sup>th</sup> Planning Commission**

Planning Staff noted that the Engineer's office had updated comments and those were passed out to the Planning Commission. Planning Staff introduced John Long as the representative for the application and stating this was the second phase of the Arrowhead allotment. Commission member Fitzpatrick questioned the t-type turnaround for the 4 lot CAD. Staff did let the commission know they reached out to the fire department and they had not sent in any formal comments but did ask about the road width and the cul-de-sac. Staff explained that the road width will need to meet subdivision standards and that those follow the fires and safety guidelines and that a cul-de-sac was not needed with 4 lots just a t-type turnaround.

*Upon hearing no more discussion, **Staff Recommended Acceptance of the conceptual plan, and that the application could come back with preliminary and final approval at the same time.***

*Moved by **Joel Montgomery** to conceptually approve the application. Seconded by **Gene Pouly**.*

**John Fitzpatrick abstained.**

*MOTION carried*

Ms. Kiper presented the major subdivision letting commission know that this was approved for conceptual in May and then introduced John Long as the application representative. He briefly spoke that all TRC criteria had been met except a few planning items.

Mike Miller, Brogan Stout, Matt Root and Richard Ramsdell all neighbors from the existing subdivision spoke commenting on issue with a CAD location and that they were given other information about the existing lot to the rear of their properties, being a pond for recreational use only by their real-estate agent. Matt Long of CCJ also spoke referencing that the application meets subdivision regulations and that planning commission not being place for disturbs between neighbors and applicant. For full minutes please refer to the recorded version of the meeting.

*Moved by **Joel Montgomery** to approve based on conceptual approval and that the application meets subdivision regulations and are contingent upon meeting all TRC department conditions.*

*Seconded by **Sue Smail**, a 4-4 vote. Joel Montgomery, Sue Smail, Jon Hofstetter and Brian Gwin voted to approve and Ron Amstutz, Bob Gralinski, Gene Pouly and John Fitzpatrick voted against. Amy Marinello abstained due to a conflict of interest.*

*After discussion with the County Prosecuting Attorney Tom McCarty, Ron Amstutz moved to set a special Planning Commission date for December 27 at 3:00.*

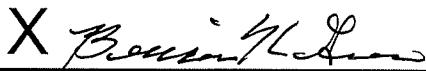
*Seconded by Brian Gwin*

*MOTION passed to have a special meeting.*

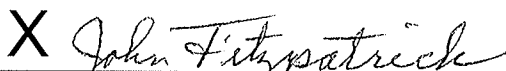
**INTERGOVERNMENTAL REVIEW:** None

**OTHER BUSINESS:** None

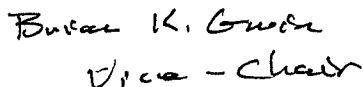
**ADJOURN:** *Upon hearing no additional further business, **Ron Amstutz moved** to adjourn, and **Amy Marinello** seconded. MOTION carried. Meeting adjourned at 4:41 pm.*

X 

Bill Cletzer, Chairman  
Wayne County Planning Commission

X 

John Fitzpatrick, Secretary  
Wayne County Planning Commission

  
Vice - Chair

