

Regular Meeting ~ 2:00 p.m. Wednesday, January 2, 2013

Springview Government Center 3130 East Main Street Springfield, Ohio 45505

Ms. Jo Anderson, Chairperson of the Clark County Planning Commission of Clark County Ohio, calls the meeting to order at 2:00 p.m.

Present:

Ms. Jo Anderson, Mr. Ron Lyons, Mr. David Minard, Mrs. Elaine Stevenson, Mrs. Nora Parker, Mr. Steve Hopkins, Commissioner Detrick, Commissioner Hartley and Commissioner Lohnes.

Absent:

Mr. Jim Burkhardt.

Chairperson Anderson asks if there are any comments regarding the minutes. Hearing none, she asks for a motion to approve the minutes.

CPC: 1-1-2013: Minutes ~ November 7, 2012 ~ Regular Meeting

Motion by Mrs. Stevenson, seconded by Mr. Minard, to approve the minutes as presented.

VOTE: Motion carried unanimously.

Z-2013-1:Rezoning Case ~ Dewaine & Melissa Blair ~ 64.47 Acres ~ Property located at 6700 Dayton-Springfield Road ~ Mad River Township ~ I-1 (Industrial District and R-1 (Rural Residence District) to A-1 (Agriculural District)

Mr. Neimayer, Senior Planner, presents several maps and exhibits of this case and states that the subject property consists of 64.47 acres and is currently zoned I-1 (Industrial District) and R-1 (Rural Residence District). The Applicants are requesting to rezone the subject property from I-1 and R-1 to A-1 (Agricultural District). In addition to the single-family house, the property has been used in recent years for agricultural and business uses. The business use has ceased operation under the current owners. A majority of the subject property is located in the floodplain. The Applicants intend to use the property for single-family residence and agricultural uses.

The CROSSROADS Land Use Plan identifies this section of Dayton-Springfield Road in Mad River Township as Community Commercial, which reads:



"Commercial development should be directed to existing business districts and major highway interchanges. A major commercial activity area is Upper Valley Mall and Bechtle Avenue, which is assumed to continue to serve a regional market. Additional investment/ reinvestment should be encouraged along Main Street on Springfield's east side. Additional nodes include major intersections, such as at Villa and Derr roads, and the downtowns of New Carlisle, Enon, South Charleston, etc."

The northern portion of the subject property is in the wellfield protection area of the Village of Enon's Production Well #4, which is located west from the NW corner of the subject property on the west side of the railroad track.

Back in 2010 when the Rural Zoning Commission initiated a comprehensive rezoning to clean up parcels that had split zoning, Don Blair, then owner of the subject property, requested that the split zoning on his property remain. The County Planning Commission had recommended A-1 zoning; the Rural Zoning Commission recommended A-1 & R-1 zoning; the County Commissioners let the existing I-1 & R-1 zoning remain.

Contrary to the land use recommendation in the CROSSROADS Land Use Plan, keeping the subject property in a non-agricultural / non-residential zoning district is no longer supported because not only has the property has been in agricultural use for many years but the current owners are expanding the agricultural use. This rezoning also resolves the current I-1 and R-1 split zoning of the property. Finally, permitted land uses under A-1 zoning are less detrimental to the Enon wellfield area than I-1. Therefore, Staff recommends the Applicant's request to rezone the subject 64.47 acres from I-1 and R-1 to A-1 be approved as presented.

The County Engineer's Department has reviewed the rezoning request and has no objection.

Mr. Neimayer asks if there are any questions. There are none.

Chairperson Anderson asks if the Applicants would like to speak before the Board.

Mrs. Melissa Blair (Co-Applicant), whose address is 7078 Tall Timber Trail, states the reason for the rezoning request is because they would like to turn the property back into a farm.

Hearing no further questions, Chairperson Anderson asks for a motion.

<u>CPC: 1-2-2013: Z-2013-1: Rezoning Case ~ Dewaine & Melissa Blair ~ 64.47 Acres ~ Property located at 6700 Dayton-Springfield Road ~ Mad River Township ~ I-1 (Industrial District and R-1 (Rural Residence District) to A-1 (Agriculural District)</u>

Motion by Mrs. Roberge, seconded by Mrs. Parker to recommend <u>Approval</u> to the Rural Zoning Commission of rezoning case Z-2013-1 from I-1 and R-1 to A-1 as presented.

VOTE: Motion carried unanimously.



G-2013-1: Rezoning Case ~ Richard & Lisa Carey ~ 47.47 Acres ~ Property located at 5501 Knollwood Road ~ German Township ~ A-1 (Agricultural District) to R-1 (Rural Residence District)

Mr. Neimayer, Senior Planner, presents several maps and exhibits of this case and states that the subject property consists of 47.47 acres and is currently zoned A-1 (Agriculture District). The Applicants are requesting to rezone the subject property from A-1 to R-1 (Suburban Residence District). As for the reason for rezoning the Applicants are pursuing the change to 'residential' zoning to qualify the property for conventional refinancing opportunities regarding the single family dwelling thereon.

Mr. Neimayer clarifies that regarding the additional information that was provided by the Applicants concerning some pertinent information about the property, it states the parcel is zoned agricultural with a land use designation as "cash grain or general farming." The designation of the property is assessed by the County Auditor's Office for tax purposes and has nothing to do with the actual zoning by county or township standards.

The CROSSROADS Land Use Plan identifies this area of German Township as Agriculture/Rural Residential, which reads:

"Predominantly rural portions of the County, where agriculture should remain the priority, are designated as Agricultural/Rural Residential. This designation emphasizes agriculture as the dominant land use, but also recognizes that residential uses are appropriate if very low density in character (less than one dwelling per two acres – gross density) and/or clustered to preserve significant open space features (such as prime agricultural soils)." "Agriculture/Rural Residential is most appropriate in portions of Bethel, German, Green, Harmony, Mad River, Madison Pike and Pleasant townships."

He also states that the subject parcel is a "land locked" parcel with a shared driveway coming off of the main road. Therefore, approving the rezoning from an A-1 to an R-1 may be of some concern due to the size of the parcel. However, because this is a land locked parcel with a shared access, any future development with an R-1 zoning would require further rezoning or a substantial upgrade of the access road or some other access to the parcel which would be dealt with under county subdivision and township zoning review.

Staff recommends the Applicant's request to rezone the subject 47.47 acres from A-1 to R-1 be approved as presented.

The County Engineer has reviewed the rezoning request and has no objection.

Mr. Neimayer asks if there are any questions.

Commissioner Detrick asks since this is a German Township rezoning case will it then go before German Township for final approval or have they approved this already.

Mr. Neimayer responds no. This Board is required review the case and make a recommendation to German Township, who will have the final say.



Mrs. Stevenson asks if there is a deeded easement for the shared driveway.

Mr. Neimayer responds that he is not aware of a recorded driveway easement.

Mrs. Stevenson asks who owns the shared driveway access.

Mr. Neimayer responds according to the county GIS it appears that perhaps the driveway is shared between the properties to the north and south based on the lot lines on the GIS.

Commissioner Detrick asks if the parcel to the left of the subject parcel is owned by the Applicants.

Mr. Neimayer responds yes.

Mrs. Roberge asks if the approval to rezone to R-1, it will be residential and the owners cannot turn it into a subdivision without coming back before this Board.

Mr. Neimayer responds that is correct. The main issue then would be access and the shared driveway currently would not pass subdivision standards.

Mr. Lyons asks what the width of the right-of-way is currently or is it just wide enough for a driveway.

Mr. Neimayer responds that it is not a right-of-way. It is a private drive that two household's share.

Mrs. Stevenson asks what happens when you have a land locked property that does not show a deeded access as part of the parcel and it comes up for zoning. Are there any specifications or requirements that would apply?

Mr. Neimayer responds, speaking from the county side, staff would make the recommendation and hope it would be followed that if in fact an easement was not in place that they would put one in place for the benefit and sake of the current owners as well as future owners. He would hope German Township would look into the same issue and if not see to it that such easement is put into place.

Mrs. Stevenson responds that she agrees and feels that it may be a problem on down the road for financing. She asks if this Board could make a recommendation to German Township to that effect.

Mr. Neimayer responds yes.

Hearing no further questions for Staff, Chairperson Anderson asks the Board if they have any questions for the Applicant. She asks the Applicant to step forward.



Mr. David Carey (Representative for the Applicants), whose address is 5050 U.S. 176, Saluda, North Carolina, states that he is here on behalf of his brother who unfortunately was tied up with something else. He states that this property is the old family farm and is land locked. His brother is only trying to seek refinancing on this property and the only way he can do so is to rezone the property as residential. That is the sole purpose of the rezoning request. Most of the land is non-tillable. Previously, it was a tobacco farm because of the terrain. The soil is depleted and cannot be used for farming today.

Mrs. Roberge asks if he happens to know if there is a deeded driveway easement.

Mr. Carey responds that he believes there is. The old lane is about a 20 foot wide gravel and partially paved access that he believes his father owned because at one point he recalls his father giving permission to the other property owners to do some things on the land consistent to the use of the land. But he does not know for a fact.

Chairperson Anderson reminds Mr. Carey of the discussion heard today about the recommendation for the access from board members who have seen and experienced different situations. So while this Board cannot make it a hard and fast condition of approval, they will pass it along to German Township as a recommendation.

Mr. Carey responds that his brother will probably understand this issue.

Mrs. Stevenson states that the concerns this Board always has when faced with this type of situation is a deeded access so all parties are protected with access rights, and also a driveway that is wide and manageable enough to get emergency equipment in and out should there ever be a cause for it.

Mr. Carey responds that he is very much aware of emergency vehicles needing access given he was once in need in an emergency situation when he was a kid on this farm. He understands the concern and will pass it on to his brother.

Hearing no further questions, Chairperson Anderson asks for a motion.

CPC: 1-3-2013: G-2013-1: Rezoning Case ~ Richard & Lisa Carey ~ 47.47

Acres ~ Property located at 5501 Knollwood Road ~ German Township ~

A-1(Agricultural District) to R-1 (Rural Residence District)

Motion by Mrs. Parker, seconded by Mrs. Roberge to recommend <u>Approval</u> to the German Township Zoning Commission of rezoning case G-2013-1 from A-1 to R-1 to A-1 as presented.

VOTE: Motion carried unanimously.



CPC: 1-4-2013: G-2013-1: Rezoning Case ~ Richard & Lisa Carey ~ 47.47 Acres ~ Property located at 5501 Knollwood Road ~ German Township ~ A-1(Agricultural District) to R-1 (Rural Residence District)

Motion by Mrs. Roberge, seconded by Mrs. Stevenson to recommend to the German Township Zoning Commission should a recorded access easement to the subject property not be in place, the County Planning Commission recommends that such access easement be prepared and recorded to protect the current and future owners of the subject property.

VOTE: Motion carried unanimously.

Staff Comments

Mr. Neimayer provided an update on recent cases that have come before this Board for their recommendation. He also states the next scheduled meeting is Wednesday, February 6th, 2013. There have been no new rezoning cases filed, so there will more than likely be no meeting next month.

Adjournment

CPC: 1-5-2013: Adjournment

Motion by Mr. Lyons, seconded by Mr. Minard, to adjourn the meeting.

VOTE: Motion carried unanimously.

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Ms. Jo Anderson, Chairperson	Mr. Thomas A. Hale, Secretary