

Minutes

Clark County Rural Zoning Commission

Regular Meeting ~ 8:30 am.
Thursday, January 16, 2014

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Mr. Ken Brust, Chairperson of the Clark County Rural Zoning Commission of Clark County Ohio, calls the meeting to order at 8:30 am.

Present: Mr. Ken Brust, Mr. Wayne Leis, Mr. John Hays, Mr. John Baird, Mr. Bob Jurick.

Absent: Mr. Pete Lane

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

Mr. Jurick will abstain from voting on the minutes as he did not attend the meeting on November 13, 2013.

RZC: 1-01-2014: Minutes ~ November 13, 2013 ~ Regular Meeting

Motion by Mr. Hays, seconded by Mr. Leis, to approve the minutes as presented.

VOTE: *Motion carried unanimously.*

Chairperson Brust explains how the meeting will be held. Everyone will need to sign in that will be speaking. Staff will present the report and the Board will ask questions to the Staff. The proponents will be able to speak followed by the opponents. Everyone will be sworn in before they speak. Rebuttal by the Applicant will follow, if desired.

Z-2014-01: Rezoning Case ~ Northridge Lanes, Inc. ~ Agent: Bill Hicks ~ 3.16 acres ~ Property located at 1333 Moorefield Road ~ Moorefield Township ~ Rezone from B-2 (Community Business District) to B-3 (General Business District)

Mr. Neimayer, Senior Planner, presents the Staff Report. He states that the Applicant is requesting to rezone 3.16 acres from B-2 to B-3 to allow for an outdoor recreational use. The subject property consists of two separate parcels both currently zoned B-2. Pending approval of the rezoning; the two parcels will be combined into one to eliminate the interior line.

Mr. Neimayer stated that according to a 1983 survey, the Northridge Lanes, Inc. property originally consisted of 5.01 acres. Lotsplits over the years, which include 1.225 acres for a self-storage unit site and 0.386 acres for the new water tower site, left the bowling alley property with 2.69 acres. The 0.47 acres included in this rezoning request is the former water tower site that was transferred to Northridge Lanes, Inc. in May 2003.

Private and Public Outdoor Recreation Areas is a permitted conditioned use subject to development standards in Chapter 7, Section 127.

Section 127 – Regulations for Private and Public Outdoor Recreation Areas

1. Zoning Districts Where Conditionally Permitted: [eff: 4-4-96]
 - A-1 Agricultural District

Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]

 - a) B-3 General Business District [rev: 12-13-2013]
 - b) B-4 Heavy Business District
 - c) I-1 Industrial District
2. The site shall have adequate access onto a hard surfaced state highway, or county or township road that is regularly maintained and adequate to handle the additional traffic generated by the use.
3. A Development Plan shall be submitted with the application, showing proposed incidental uses and their relationship to the site. Such incidental uses may include but shall not be limited to concession areas, food service and consumption areas, commissaries, laundry and drying facilities, management offices, toilet facilities, and shower facilities. Incidental uses shall clearly be appropriate to the proposed primary recreation activity.
4. A landscape plan, including quantities, sizes, and varieties of landscaping, shall be submitted with the application.
5. Parking areas shall be a minimum distance of fifty (50) feet from residential uses.
6. Any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in a Residential District. The enclosure requirements for swimming pools contained in Chapter 8, Section H shall also apply.
7. In determining approval or disapproval, the Board of Zoning Appeals shall consider such potential nuisances as noise, lighting, and dust, and their effect on adjacent properties.
8. The Board of Zoning Appeals may establish such requirements as they deem necessary to regulate the duration of stay by individuals or their recreation equipment at private or public campgrounds in order to preclude such extended periods of stay that might be construed as the establishment of permanent residency at the campground.
9. Lot frontage, size, and building setbacks and height: [eff: 11-6-08]
 - Minimum Lot Frontage – 150'
 - Minimum Lot Area – 1 acre or the site size shall be appropriate for the proposed use, as determined by the Board of Zoning Appeals
 - Minimum Front Yard Setback – 50' Minimum Side Yard Setback – 40'
 - Minimum Rear Yard Setback – 70' Maximum Building Height – 35'

Mr. Neimayer stated that the CROSSROADS Land Use Plan identifies this area of Moorefield Road as Community Commercial, which reads:

“Community Commercial should be directed to existing business districts and major highway interchanges.” “Development along commercial corridors should meet the County’s access management standards in terms of combined access. A low-density, sprawled commercial pattern is not supported along the County’s major arterials. Where adjacent to existing or planned

neighborhoods, commercial development should provide pedestrian connections to reduce auto congestion and should be well buffered to reduce negative impacts on such neighborhoods.”

Mr. Neimayer stated that included in the staff report is a copy of a letter from the County Engineers’ office which they do support the recommendation to rezone the subject property. Mr. Neimayer shows the Board a slide to discuss access control for the property. He points out the two main access locations, one off of Moorefield Road and one off of Security Drive. From the slide Mr. Neimayer points out that it is possible to pull onto the property at any point along Moorefield Road. He also states that along Security Drive there is the same situation even though there is a little curbing or storm drainage there. As one of the conditioned uses is adequate access, this rezoning case provides the opportunity to work through the County Engineers’ office to establish better access control to the site.

Mr. Neimayer commented on the Off-Street Parking Requirements: Chapter 5, Section B (Off-Street Parking Schedule) does not include outdoor recreation facilities other than Sports Arenas. For bowling alleys, Section B requires five spaces per lane plus the required spaces for affiliated uses such as restaurants, bars and the like. There are currently 118 spaces that are laid out in the parking area. There seems to be ample room if there are additional requirements. We can follow up on this at the time a Zoning Application is filed.

Mr. Neimayer stated that the County Utilities Department has no objections to the proposed rezoning. He identifies on a slide the blue lines representing water lines running to and from the adjacent water tower. These water lines clearly run through the subject property. The development planned is ground level or above ground level and does not include any digging for buildings or foundations. The Utilities Department has asked that prior to any development or change in the site’s existing contour, the Applicant shall consult with the department in regards to county utility lines that run through the property.

Mr. Neimayer stated that Staff recommends the Applicant’s request to rezone the subject 3.16 acres from B-2 to B-3 be approved as presented subject to the following:

1. Pending approval of the rezoning request, the Applicant shall work with the County Engineer’s Department to improve the safety of access points to the site prior to a Zoning Certificate being issued.
2. Prior to any development or change in the sites existing contour, the Applicant shall consult with the County Utilities Department in regards to county utility lines that run through the property.
3. The development plan received December 3, 2013 shall be revised to show the location of existing water lines and related easements.

Mr. Neimayer stated the County Planning Commission met January 8 and passed a recommendation on to the Rural Zoning Commission that the rezoning of the 3.16 acres be approved subject to the three items that were in the Staff recommendation.

Mr. Neimayer asks if there are any questions from the Board at this time.

Chairperson Brust asks if Mr. Neimayer anticipates limiting access to Moorefield Road from the parking area as far as an in and out area. The whole area is flat to the road.

Mr. Neimayer responded that the County Engineers Department had prepared access management/control guidelines. He does not believe that they got adopted at the Commission level. That does not remove the concern of access control for this property. We still need to be looking at that. With this rezoning case we have an opportunity to try to address that and work through the County Engineers Department to close some of that up or redirect access in some manner.

Chairperson Brust asks if there are any other questions.

Mr. Jurick states when changing zoning from B-2 to B-3 that would allow other uses that could be used in the future. Are there any uses that you could see that would be incompatible with the surrounding area.

Mr. Neimayer stated that he did not see any uses that would be incompatible.

With no further questions Chairperson Brust opens the public hearing at 8:46 am.

Chairperson Brust asks if anyone would like to speak in favor of the Applicant.

Mr. Bill Hicks, whose address is 333 N. Limestone Street, is an attorney representing the Owner/Applicant. Mr. Hicks stated that Mr. Rick Hoppes, who is President of Northridge Lanes Inc., asked him to apologize to the Board that he could not be present today. Mr. Hicks also stated that he did send to Mr. Hoppes all the documentation that was issued by the county as far as requirements that would allow the rezoning to go through. Mr. Hoppes indicated that they would be more than willing to cooperate with the county and making certain that this is done the right way.

Chairperson Brust asks the Board if there were any questions. There were none.

Chairperson Brust asks if anyone else would like to speak. There were none.

Chairperson Brust asks if anyone would like to speak in opposition. There were none.

Chairperson Brust closes the public hearing at 8:48 am.

Chairperson Brust asks if there are any more questions from the Board. There were none.

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

RZC: 1-02-2014: Z-2014-01: Rezoning Case ~ Northridge Lanes, Inc. ~ Agent: Bill Hicks ~ 3.16 acres ~ Property located at 1333 Moorefield Road ~ Moorefield Township ~ Rezone from B-2 (Community Business District) to B-3 (General Business District)

Motion by Mr. Hays, seconded by Mr. Baird to recommend **Approval** of rezoning case Z-2014-01 from B-2 to B-3 as presented subject to the following:

1. Pending approval of the rezoning request, the Applicant shall work with the County Engineer's Department to improve the safety of access points to the site prior to a Zoning Certificate being issued.
2. Prior to any development or change in the sites existing contour, the Applicant shall consult with the County Utilities Department in regards to county utility lines that run through the property.
3. The development plan received December 3, 2013 shall be revised to show the location of existing water lines and related easements.

VOTE: Yes: Mr. Hays, Mr. Baird, Mr. Leis and Mr. Jurick

No: None

Motion carried unanimously.

ZA-2014-01: Zoning Text Amendment Case ~ Motion to Establish a residential zoning district specifically for the Crystal Lakes Subdivision, and

Z-2014-02: Rezoning Case ~ Motion for Comprehensive zoning map amendment to rezone the residential R-2B properties in Crystal Lakes to R-CL (Residential-Crystal Lakes)

Mr. Neimayer presents cases ZA-2014-01 and Z-2014-02 concerning the Crystal Lakes Subdivision. The request is to establish a residential zoning district specifically for the Crystal Lakes Subdivision. Although he will present these cases together, two separate motions will be required.

Mr. Neimayer stated that the voters of Crystal Lakes approved a ballot issue in 1987 to come under Clark County zoning. At that time, the residential lots were zoned R-3, which allowed multi-family development as a permitted use. Multi-family development was not a desired land use of the Crystal Lakes Homeowners' Association. Therefore, a comprehensive zoning map amendment was approved in 2010 that rezoned the residential lots in Crystal Lakes to R-2B (Medium-High Density Single-Family Residence District).

Mr. Neimayer then referenced a variance case presented to the Board of Zoning Appeals in May 2013. That variance case was a request to reduce the rear setback under R-2B zoning (see Staff Report for detailed information). At the conclusion of the BZA hearing, it was clear that the residential lots of Crystal Lakes were inappropriately zoned. The BZA directed Staff to work with the Crystal Lakes Homeowners Association and Bethel Township Trustees to prepare a new zoning district that would appropriately fit the community.

Several meetings of the workgroup in the summer of 2013 resulted in a new zoning district for residential lots in Crystal Lakes, R-CL (Residential-Crystal Lakes) to be considered for adoption (see case file for detailed information). A slide was presented to the Board that shows the history of allowed building area and corresponding setback requirements.

Mr. Neimayer concluded by stating that Staff recommends adopting Case #ZA-2014-01, the R-CL (Residential-Crystal Lakes) zoning district as presented. Staff also recommends

adopting Case #Z-2014-02, a comprehensive rezoning of the residential lots in Crystal Lakes from R-2B to R-CL (Residential-Crystal Lakes).

Mr. Neimayer stated that the County Planning Commission met on January 8 and they are also recommending to the Rural Zoning Commission adoption of the zoning text amendments and the comprehensive zoning map amendment.

Mr. Hays asked if the rezoning area is only the shaded area. He also asked what the adjacent area to the left (west) is.

Mr. Neimayer responds that the recommended rezoning area is rose-color shaded area. The area adjacent to it is Park Layne.

Mr. Neimayer reminds the Board that the recommended rezoning (text and map) is only for the residential lots in Crystal Lakes.

Mr. Leis asks if this rezoning would eliminate the possibility of having a mobile home on a lot.

Mr. Neimayer stated he is not familiar with the covenants of Crystal Lakes so he could not answer that.

Mr. Hays asks if due to the lot size there are public utilities for water and waste.

Mr. Neimayer responded that there are public sewer utilities in Crystal Lakes, but the lots rely on individual wells.

Mr. Jurick stated that there is an electrical company in Crystal Lakes north of the lake.

Mr. Neimayer stated that there is a non-residential use on the far north end. If indeed the electrical company is in the residential area they would be grandfathered in.

Chairperson Brust asks Staff what percentage of the property in Crystal Lakes Subdivision is undeveloped and who owns the land that is undeveloped. Do private individuals own or developers.

Mr. Neimayer stated that he does not know percentages but there are lots that could be developed. There are properties that they are individually owned. It is my understanding that every road that abuts up to Park Layne ends in a devil strip that is owned by the Crystal Lakes Homeowners Association to ensure that there will be no connection. They do not want those roads to connect.

Chairperson Brust stated that there would probably still be some variance requests and this rezoning will not eliminate it all together.

Mr. Neimayer stated he has received some calls from homeowners that are looking to either redevelop or sell their land. He has explained to them that we are working through this process to make it more possible for developing or redeveloping their land.

Mr. Leis asks because the streets are not connected from Crystal Lakes to Park Layne does that cause a problem with Fire and Emergency Vehicles trying to get to certain areas where they are needed.

Mr. Neimayer will give his comments and then let Nancy Brown, Bethel Township Trustee, to comment further. He continues that obviously with any subdivision side streets are put in for connections. It is always wise to have some sort of connection from neighborhood to neighborhood for Fire, Emergency, EMS and Police response. In his experience, police departments prefer to have two different ways to come into an area. If there is just one way, then the bad guy knows the way out.

Chairperson Brust opens this portion of the public hearing at 9:06 am.

Nancy Brown, Bethel Township Trustee, stated that she has participated in the process to come to this point. The people that live in Crystal Lakes were aware that something needed done. They have been uncomfortable with some of the zoning decisions since it was turned over to the county. When this opportunity arrived they were more than happy to participate in this process. The four lots per building site is what they had when they had their own zoning, and it is what they thought would continue when they turned zoning over to the county. The residents are very pleased to see this happen and they realize there will still be a need for variances with some of the smaller lots and that they will no automatically be approved.

As far as the two communities not connecting, residents know they either live in Park Layne or Crystal Lakes even though they are right next to each other. The Fire and EMS responders do not have a problem because they are so fully aware of the situation. The one problem there is, and Mr. Neimayer pointed it out, the bad guys can run through from one subdivision to the other. The police cannot drive through and can only chase them on foot.

The property owners and Bethel Township are very much in favor of these changes.

Chairperson Brust closes this portion of the public hearing at 9:09 am.

Chairperson Brust asks for a motion.

RZC: 1-03-2014: ZA-2014-01: Motion to establish a residential zoning district specifically for the Crystal Lakes Subdivision

Motion by Mr. Leis, seconded by Mr. Hays, to approve the residential zoning district specifically for Crystal Lakes Subdivision as presented.

VOTE: Motion carried unanimously

RZC: 1-04-2014: Z-2014-02: Motion for Comprehensive Zoning Map Amendment to rezone the residential R-2B properties in Crystal Lakes to R-CL (Residential-Crystal Lakes

Motion by Mr. Hays, seconded by Mr. Baird to approve the Comprehensive Zoning Map amendment to rezone the residential R-2B properties in Crystal Lakes to R-CL (Residential-Crystal Lakes) as presented.

VOTE: Motion carried unanimously.

Election of Officers for 2014

RZC: 1-05-2014: Motion to keep Ken Brust as Chairperson and John Hays as Vice Chairperson for 2014

Motion by Mr. Leis, seconded by Mr. Baird, to keep Ken Brust as Chairperson and John Hays as Vice Chairperson for 2014.

VOTE: Motion carried unanimously.

Staff Comments

Mr. Neimayer states the next scheduled meeting is Thursday, February 12, 2014. There are no new applications, so we will not have a meeting in February.

Adjournment

RZC: 1-06-2014: Adjournment

Motion by Mr. Hays, seconded by Mr. Baird to adjourn.

VOTE: Motion carried unanimously

The meeting was adjourned at 9:15 am.

Mr. Ken Brust, Chairperson

Mr. Thomas A. Hale, Secretary