

# **Minutes**

## **Clark County Rural Zoning Commission**

Regular Meeting ~ 8:30 am.  
Wednesday, March 9, 2015

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, called the meeting to order at 8:30 am. and asked for the Roll Call.

Present For Roll Call: Mr. Ken Brust, Mr. John Hays, Mr. Bob Jurick, Mr. Pete Lane, Mr. Wayne Leis and Mr. Jon Hostasa.

Absent For Roll Call: None.

Chairperson Brust explained how the meeting will be held.

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

### **Approval of the January 13, 2016 Minutes**

Motion by Mr. Hays, seconded by Mr. Jurick, to **Approve** the minutes as presented.

**VOTE: Yes:** Mr. Hays, Mr. Jurick, Mr. Brust, Mr. Lane, Mr. Leis and Mr. Hostasa

**No:** None.

***Motion carried.***

### **Approval of the February 10, 2016 Minutes**

Motion by Mr. Lane, seconded by Mr. Hays, to **Approve** the minutes as presented.

**VOTE: Yes:** Mr. Lane, Mr. Hays, Mr. Brust and Mr. Hostasa.

**No:** None.

**Abstain:** Mr. Jurick and Mr. Leis.

***Motion carried.***

### **Case #Z-2016-01 ~ Rezoning ~ Property Owner/Applicant: William and Cheryl Herrmann ~ Agent: Steve Butler ~ Location 5372 and 5370 Hunter Road ~ 70.06 acres from A 1 (Agricultural District) to R-1 (Rural Residence District) ~ Mad River Township**

Chairperson Brust asked Mr. Neimayer for the Staff Report.

Mr. Neimayer stated the Property Owners/Applicants are William and Cheryl Herrmann and the Agent is Steve Butler with Community Civil Engineers. The subject property is located at 5372 and 5370 Hunter Road in Mad River Township. Mr. Neimayer stated this is a request to rezone 70.06 acres from an A-1 to an R-1 with the intent of developing it to a single family residential subdivision. Mr. Neimayer explained the Applicants own four separate parcels. Two of the parcels are located in Mad

River Township and the other two parcels are within the Village of Enon. The Board is considering only those two parcels in Mad River Township.

Mr. Neimayer said the planned development follows the CROSSROADS Land Use Plan. The township's plan, an appendix to the CROSSROADS Plan, identifies the subject area as a suburban agricultural area. Hence, the planned development is compatible with the township's plan as well.

Mr. Neimayer spoke how the Thoroughfare Plan identifies different classifications of roads and identifies future right-of-way needs. Following the Thoroughfare Plan, there may be a need for additional right-a-way on Hunter Road and Fairfield Pike, which will be reviewed in more detail as part of the subdivision review process.

Mr. Neimayer then showed a conceptual subdivision layout and explained he requested it to assist the Technical Review Committee (TRC) in their review for providing comments to the Board. Mr. Neimayer emphasized this layout is just a preliminary layout. Items discussed by the TRC include access points and internal circulation and storm water management.

Included with the staff report is a letter from Mr. Butler of the Applicants' intended development. Also included are comment letters from the TRC. In Mr. Butler's letter he identifies a storm water retention basin planned in the northern portion of the property. Mr. Neimayer stated the general flow of the property goes in a northern direction towards Mud Creek. However, per county regulations retention basins cannot be located in the flood plain.

The County Utilities Department provided comments on extending utility lines to service the planned development. Subject to rezoning approval, detailed engineering plans for extending utilities would be submitted for review and approval.

Mr. Neimayer stated that Soil and Water Conservation District reports of possible shallow bed rock in portions of the property that will have to be addressed. They also commented about drainage issue complaints in the area.

### **Staff Recommendation:**

As noted in the attached comment letters of the Technical Review Committee, the existing natural conditions of the subject property will present challenges to any development of the subject property. The requirements of the county's subdivision regulations, along with the storm water management regulations, exist to ensure a proper and safe development. Staff recommends the Applicant's request to rezone the subject 70.06-acre property from A-1 to R-1 be approved as presented.

### **County Planning Commission Recommendation:**

The County Planning Commission (CPC) met on March 2, 2016 to consider this rezoning case. Following discussion, the CPC passed a motion recommending to the Rural Zoning Commission that the Applicant's request to rezone the subject 70.06-acre property from A-1 to R-1 be approved as presented noting that drainage issues involving the subject property will need to be addressed as part of the subdivision review process and in accordance with the county's storm water management regulations.

Mr. Neimayer stated a letter was received from Jennifer Horner and Charles Sides, 1173 Cardinal Drive, including some photos that were included in the Board's Packet. In addition, an email was received from Mr. Tracy Young, Fire Chief, Enon-Mad River Township. Mr. Neimayer highlighted two items from Mr. Young's letter. One is about having fire hydrants at proper intervals and the other is

about having two access points into the proposed development. Both of those items are requirements of the subdivision review process.

Mr. Neimayer stated he has received additional comment letters after the Board's packet was sent out. The first is from Beth and Don Tuccillo, 104 Dove Court, and included photos. The following e-mailed letters were received just this morning: Katie Eviston, 1017 Cardinal Drive; Nancy Potts, 91 Fairfield Pike; Rob Florence, 1105 Blue Jay Drive; and Jeff, Kris & Erik Collingsworth, 245 Fairfield Pike. Copies of these letters were provided to Board members.

Mr. Neimayer stated that he would answer questions the Board may have at this time.

Chairperson Brust asked about the photos of 105 Dove Court, they were looking at, where the property is located at. Mr. Neimayer showed the properties from the County GIS. The 105 Dove Court is a couple properties removed on the corner of Dove.

Hearing no further questions, Chairperson Brust opened this portion of the public hearing at 08:44 am and asked if anyone would like to speak in favor of the rezoning case.

Mr. Steve Butler, Community Civil Engineers, the Owners/Applicants Agent was sworn in. Mr. Butler stated his first point would be that as Clark County works to attract business and jobs he believes there is a need for new housing. The conceptual layout that was sent was to generate some comments from Clark County Staff as to what they feel would be acceptable. There are some issues about the retention basin being located in the Flood Plain, that we will need to find a new location for that.

Mr. Butler explained they wanted to provide a nice development. He stated the number one complaint in any new development is drainage, that's why they are working with the Clark County to make sure everything is done right. The intention is to extend sanitary sewer to the development and he has been communication with the County Utility Department. There would be a network of roads. Mr. Butler said there is an understanding there are challenges to the development, such as shallow bed rock. We have not got to the point of doing soil borings. Mr. Butler stated they wanted to make sure they got zoning before they invested money into the further engineering. In general, the goal is to rezone and met the requirements for that zoning and address the drainage issues of that site, and comply with Clark County's Regulations. Mr. Butler asked if there were any questions from the board.

Mr. Jurick asked on the northern side, what the wavy line was. Mr. Butler explained that reflects the Flood Plain boundary. Clark County does not allow the retention basin to be in the Flood Plain. Mr. Butler said they would have to relocate that retention basin.

Mr. Jurick asked if they were planning on having a wetlands determination before laying out the design. Mr. Butler said absolutely. Mr. Butler said he has staff that can do that determination.

Mr. Jurick explained the Mad River Township Plan and its recommendations. Mr. Jurick read from the Township Plan on PD-R (Planned District-Residential) development and open space planning. Mr. Jurick asked if Mr. Butler would consider a PD-R zoning.

Mr. Butler stated that the surrounding zoning to the development in the Township is an R-1. The subject property is between that R-1 and the Village so they felt that R-1 was very fitting. In speaking with the Herrmann's, they are not sure if they want to go to smaller lots such as ½ acres. So again, higher density is not necessarily their goal. They would try to preserve some of the wooded areas.

Some wooded lots would be available so that some homeowners could move in and have established trees around their house.

Mr. Jurick encouraged a design that would keep some open space that would be available to the public. Mr. Butler said that they did talk about through the Homeowners Association having some trails, and integrating that into the development. Mr. Butler said he believes they can meet those goals without the (PD-R) zoning.

Mr. Hays asked when you are designing an area like this, is there some kind of rule of thumb for flood water control? Mr. Butler said that Clark County Regulations has intensity rates that we would use for designing the culverts. Mr. Butler said he will use those rates that are provided in the Subdivision Regulations. For sizing of the retention basin things could change because of the Clean Water Act.

Mr. Hays asked about the storm water control, when designing that do you over build and put in another layer of protection. Mr. Butler explained that when we do have a ten-year storm event, our storm system will be designed to handle that. When we design storm sewers, for an event that is greater than 10 years, our first goal is to protect the houses that would be in the development. Mr. Butler said they would provide a flood routing. The detention basin is design for the 100-year storm events.

Mr. Hostasa asked at what point do you do a traffic study or are you planning to one. Mr. Butler stated that it would be after zoning. Traffic Studies do not come cheap.

Mr. Hostasa asked if they are anticipating turn lanes. Mr. Butler said that would be something per the Thoroughfare Plan that they have to provide.

Mr. Jurick encouraged Mr. Butler to consider doing a PD-R. It would make a difference on how the community would look at your development.

Mr. Butler said he would have that discussion with Herrmann's. The EPA has introduced the Clean Water Act and Clark County takes that into account. Mr. Butler then explained they have something called Post Construction known as BMP's. There has been a lot of discussion about ground water recharge. There is a potential for retention basin instead of a detention basin depending on the soils we could make that a wet basin.

Chairperson Brust asked what are your plans about dual jurisdiction. Mr. Butler said the parcels in the village are zoned residential. We will need to do some reconfiguration of the detention basin. He understands that they cannot have any lots that cross over jurisdictions.

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

Hearing none, he asked if anyone would like to speak in opposition of the rezoning case.

Mr. Dominick Tuccillo, 105 Dove Court, said there is an emphasis on the flooding in the north end of the property. He stated that there are problems on the south end. Mr. Tuccillo stated they own two lots and was getting considerable run off from both ways. When they first moved there in 1986 the developer came out and measured it at 15 feet across. The developer came back and put in a catch basin and pipe to catch it. That helped, but wasn't near what they needed. Mr. Tuccillo said he is very concerned that this will just exasperate the problems they have today.

Mr. Michael Potts, 177 Fairfield, said that he has two or three things had questions on were touched on today. Eliminating the entire woods and the lots sizes were a concern. The biggest one though is that the entire way coming off Fairfield Pike will be directly in front of his house. Mr. Potts explained that his driveway is at the base of that hill and it's not an easy drive way to get in and out of. Mr. Potts stated that he is opposed to the change and especially with the smaller lots.

Mr. Adrian Davoli, 6 Bob White Drive, stated that he lived at the crest of that hill, just a few doors up from Mr. Potts. Mr. Davoli explained he has two concerns. The one has to do with water. The water is often minimal during the year. What the impact of water supply will be and where the water will be coming from. Traffic is an issue and it is 35 miles per hour. Fairfield was just recently repaved. Mr. Davoli stated that he has concerns for his family. Mr. Davoli said he is opposed to it.

Mr. Lane asked Mr. Davoli to point out on the map where this hill was. Mr. Davoli pointed this out to the Board.

Mr. Bob Potts, 91 Fairfield Pike, stated that what he has heard so far is that the issues will be addressed after the fact. After the Zoning Commission says you can be an R-1. We will then look at drainage, then look at traffic. Mr. Potts said he feels those things should be addressed before any zoning changes. Currently it is zoned A-1 of about 70 acres for 70 houses and instead they want to change it to R-1 for 140 plus houses. That would be a big impact on traffic and the environment. Mr. Potts said there is only one reason to change this is to be able to put more houses for more money. He said that if 140 houses would be put in their traffic would increase on both Hunter Road and Fairfield Pike. Eventually the Engineer will say there is too much traffic and we need to widen the roads. Then they will take those two lane county roads and expand them out, which means they will take land from those people already living there to accommodate the housing area. Bottom line, Mr. Potts is opposed to it because everything is being done after the fact, everything should be done before the zoning is changed.

Mr. Tim Howard with the Village of Enon was sworn in. Mr. Howard has a couple of comments from the Village of Enon. He stated that they were at the Planning Commission last week. Mr. Howard wanted to emphasize the northern portion and the Flood Plain. Some of those properties in the Flood Plain were built in a later date and conform to the Villages Flood Plain Regulations, which means their properties were built up approximately one foot above the base evaluation. There are however properties that do not conform to that. Mr. Howard stated that it is a very sensitive area. The rear of the properties discharge to Mud Run Creek. Additional development for this Subdivision will require some very expensive engineering. Mr. Howard said that whatever is put in their retention, detention, that flow of water is going to go from South to the North and end up in Mud Run Creek. What is that impact when we put additional waters into that creek. That is what we need to know. Mr. Howard said it would only make sense that the Village of Enon be the server and supplier of public water if a Subdivision goes in that area. However, it is up to the developer to do the designs to the specification of the Village. Last point that he wants to make is that he heard from residents is the flooding and drainage issues in the area.

Mr. Ned Clark, 1000 Cardinal, stated that he has lived there for 30 years. Mr. Clark pointed it out for the Board where he lived. Progressively every year the rain comes, it floods and get worse and worse. So far it hasn't got to my house. Mr. Clark stated that his neighbors engineered something on there on own. It didn't help at all and they couldn't get the Village to do anything so they did it on their own. Mr. Clark explained that with a 140 house up there the water will go down into Mud Run Creek. Mr. Clark asked where is the retention pond going to be?

Chairperson Brust answer that it would be south of the Flood Plain and that they are not sure yet.

Mr. Clark said it will have to be very large, like Hoover Dam large. It is flooding now and getting worse. He stated that he is against it.

Mr. Brian Alexander, 5730 Hunter Road, stated that he lives out there and has two properties. This will be in his backyard. The people surrounding the properties are not okay with adding 140 houses without knowing the impact. Mr. Alexander said he feels we should proceed with caution. There are huge drainage problems out there.

Ms. Melony Andras, 5600 Hunter Road, stated that she lives on Hunter Road and water comes down Hunter Road. The water is supposed to go down the road here and across the river the way it was engineered, it doesn't. Ms. Andras stated that a neighbor even had them out to fix it three years ago and it has not been fixed. The hill on Fairfield can be a blind hill because she does travel it. There is also a hill on Hunter Road where they want a driveway. Ms. Andras is wondering where the road will come out for the Village, don't they both have to have road access.

Ms. Andras asked if you approve it to a rule, then who approves where it comes in and out. She asked do you have to have a road access for Enon and a road access for the County. Mr. Neimayer explained that if there was development in the Village of Enon there could be connections that come to one point on Hunter Road. So the Village property and the County property do not have to have their own separate access points.

Ms. Andras asked about the turning lanes. Would they be on Hunter Road and Fairfield Pike or on the property coming out onto it. Mr. Neimayer explained that the turning lanes will fit in with the traffic study. This will evaluate the site, the proposed development, surrounding area and traffic conditions. From that it will be determined if a turning area will be required or other off-site improvements.

Ms. Andras asked will they be off on Hunter Lane and Fairfield like widening the roads to put turning lanes in. Is that what they mean? Mr. Neimayer responded that is why they do traffic studies are for to evaluate all of that and come up with the proper way to address the whole traffic movement in and out as well as the surrounding traffic of the immediate areas.

Ms. Andras said so if they do put in turning lanes on Hunter and/or Fairfield how much of the road would they have to widen? Mr. Neimayer stated it could be an additional right away that we have there now. It could be additional right away required from the subject property.

Ms. Andras asked if the Board okays that you're going to switch it, then who okays this final stuff that seems not to be answered. Mr. Neimayer explained that this is the rezoning of the property itself. If the zoning gets approved, there is the subdivision review process. That process is handled by the County Planning Commission. That is a public hearing process which will give everyone an opportunity to see the proposed plans at that time.

Ms. Andras asked if there has been an effect on everyone on Hunter Road that has wells. Will this affect our wells is a question too. Would it change the development if they cannot figure out how to do the traffic? She feels she opposes it mainly because there is not enough information for us to make a decision.

Mr. John Parr here with his wife Peggy, 1000 Meadow Lark Drive. The culvert in the back doesn't drain fast enough. Last year we had flooding. The water will be coming from the water tower?

Chairperson Brust asked if it would be public utilities. Mr. Neimayer responded yes.

Mr. Parr asked has it been checked that it will be sufficient water? The water pressure is bad already. Who would be responsible for putting in a pumping station, would it go on the tax base and raise our taxes to handle the homes there? To increase the water pressure where it's needed is something we need to consider. The other thing Mr. Parr wanted to ask about what kind of impact will this have on our schools? One more thing, Mr. Parr would like to know ahead of time what price range are these houses going to be? If they go below the prices of Houck Meadows, your basically stealing property values from us. It will lower our tax base.

Ms. Kathy Estep, resident of Houck Meadows and Mad River Township Trustee wanted to thank the Board for the opportunity for the public to address them. Mad River Township does have a land Use Plan that we developed several years ago with a lot of input from the community. The plan indicates that this area is appropriate for development because it has public sewer and water adjacent to other developments. However, the land use plan does recommend a plan development for this area. Ms. Estep said what she is hearing from these residents is that they would really like a Land Use Development. They would like the Land Use Plan to be followed if development occurs. Every single concern that was brought here would be dealt with, with the exception of the schools, through a PD-R development. Ms. Estep said that if the Board would see fit to table this until Mr. Butler would have an opportunity discuss a PD-R Development with the owners. Ms. Estep said that asking for a PD-R zoning would go a long way to the issues that she is hearing here.

Mr. Ron Ewart, 5451 Hunter Road presented the Board with a letter of signatures opposed. Mr. Ewart was then sworn in. Mr. Ewart stated that he is a 36-year resident of Hunter Road. His property is 2 lots down from the proposed entry of the subdivision. Mr. Ewart stated that he opposes rezoning that property from an A-1 to an R-1. When we built our homes there we built them in compliance with A-1 zoning, which is what is was at that time. We purchased our properties with the full understanding of the A-1 zoning restrictions. That is the reason we made our largest lifetime investments. We did not want then nor do we want now to live in a residential area. The proposed development will destroy our wildlife. We have keep our end of the bargain as we have built our homes and lives on Hunter Road and Fairfield Pike. We expect the Board to keep their end of the bargain, not giving in to developer pressure. The Board is supposed to be the Planning Board. You and your predecessors have made a good plan for our area and are responsible for following through with that plan. Mr. Ewart asks that the Board side with the Hunter Road and Fairfield Pike families. I urge the Board to reject this rezoning from A-1 to R-1.

Mr. Garnett Traylor, 5685 Hunter Road found out about this from Mr. Ewart, who put flyers in everyone's mailbox. The owners bought the property knowing it was one acre lots or larger, and now they want to change that down to a ½ acre or so and put in 140 houses. Our schools are bursting now. Mr. Traylor stated he went door to door getting a few signatures of people that oppose you changing it to A-1 to R-1 and submitted that to the Board.

Ms. Debbie Walton, 6215 Fairfield Pike, stated that she lives right next to the subject property. Her family moved there in September 1999. Ms. Walton feels they stand to lose lots of green space, wildlife, loss of quality of life and loss of privacy and property value. What do we stand to gain is an increased burden on the school district and the Mad River Township Fire and EMS, increased traffic, increased security concerns and an increase in noise. Ms. Walton stated that she currently does not

having flooding issues, but her neighbors do. She is worried any change could cause more flooding. Ms. Walton also questions the need for more housing. There are many houses for sale in the area. Last night she did a search on Zillow (website) and 41 houses in the area are for sale. Ms. Walton said she wanted to let the Board know she is opposing this and hopes the Board will too.

Ms. Kathy Clark, 1000 Cardinal Drive, Enon, stated that her husband previously spoke we live on the corner of Cardinal and Crane drives. Over the years, heavy storms totally engulf the area and roads. No one has talked about the issues of the north side of Mud Run Creek. So in addition to this new proposal on the south side of the creek, you need to be concerned with the issues of flooding on the north side of the creek. Ms. Clark stated that she is totally against any development that may contribute to this creek flooding.

Mr. George Rivard, 1060 Meadowlark Drive, stated in the recent past he believes the flood zone was reconfigured to extend it. Apparently there are issues that have not been addressed as a result of the current development. Just a caution that something should be in the record to extend that Flood Zone again.

Mr. Neimayer explained that what everyone is seeing up here is the current floodplain from the FEMA map. FEMA updated the flood plan map with an effective date of February 2010.

Mr. Rivard is asking then you need to be looking at the newer maps to consider as opposed to the older maps. Mr. Neimayer stated this is the current flood map.

Mr. Rivard stated that when a lot of us bought our home on Meadowlark Drive we were not in the flood zone and we are now.

Mr. Neil Blevins, 1123 Cardinal Drive, asked to play a video of a recent thunderstorm event. Mr. Blevins stated that he pays for flood insurance. He said you cannot tell me I do not live in a flood zone. There is a lot of flooding problems. The video was shown. Mr. Blevins said this was an hour after the rain.

Mr. Hostasa asked if this was a normal thunderstorm? Mr. Rivard replied this was after three thunderstorms in a row.

Mr. David Eviston, 1017 Cardinal Drive summarized what he heard from this presentation. Mr. Butler said they do not know how the flooding is going to be resolved, they do not know where the retention pond is going to be, they do not know where the entrances are going to be or how the traffic is going to go. They cannot elevate any of the problems we have submitted today. Approving this today based on the information is reckless. These people have brought real concerns to your attention and the fact of the matter is Mr. Butler does not care about us. You people are elected officers that should care about our best interest and I ask that you take that into considerations.

Ms. Lillian Elliott, 1117 Cardinal Drive, said when she first received the letter she was surprised. Her and her husband moved here 2½ years ago. First of all, she stated she is in Enon. We brought the property because they like the surroundings. We would hate to move because of it being too crowded. The flooding was really bad. Her husband is concerned about where the driveways are going to be in the new property. About the drainage, she concurs with the residents.

Ms. Lisa Adanson, 5351 Hunter Road, stated she lives directly across on Hunter Road. She said there will be a lot of issues. They have flooding that comes down in front of their driveway and front lawn. Coming in and out of our driveway, you cannot see. Ms. Adanson said with the proposal

# ***Minutes***

## ***Clark County Rural Zoning Commission***

directly across, she does not see how you can widen it with the cliffs. She said she is against it and does not understand why it needs to go from Agricultural to Residential. She stated she is opposed to it. She just hopes the Board does not approve it.

Chairperson Brust asked if the area to the right of the subject property is zoned A-1 or R-1. Mr. Neimayer stated he did not know as that area is in the Village of Enon.

Chairperson Brust asked if there was anyone else who would like to speak in opposition. There was none.

Chairperson Brust asked Mr. Butler if he would like time for rebuttal.

Mr. Butler stated he would try to address the drainage first. Our water flows from south to north. We will be installing a retention basin per the Clark County Regulations. You do not force developers to have to develop detailed design plans prior to rezoning as we could get turned down that money would be gone to waste. Mr. Butler explained what he was asked to do was create a conceptual plan. He said he did not want to prepare a conceptual plan in case it became public, getting everyone concerned about what we are doing when all it is is a conceptual plan. We intend to place a detention or retention basin as conditions allow on the village property. We will have to do a lot of re-work on the conceptual plan. We talked about increased run off into Mud Creek. Clark County Regulations ensure that we do not add any additional flow to the creek. Typically, we end up reducing the flow. Mr. Butler will work with the County Engineering Staff to make sure his calculations meet all the requirements so that the development does not have any issues. Mr. Butler asked about the video we saw. He asked if it was from the same storm that flooded I-70 because that was 500-year storm event. An audience member responded it was not.

Mr. Butler said there are some drainage issues to the east that he has no control over. He said he will not add any more water onto their properties. Mr. Butler said he is going to make sure the water on the subject property is contained and goes into a control facility that the County Engineers review and that everything is done per the regulations. Regarding access onto Fairfield Pike and Hunter Road, county regulations are there to make sure that everything is safe. Our goal and objective on everything is to make sure the development is safe for the public.

Chairperson Brust asked about the documents they received mentioned a detention pond and I think you mention a retention pond. Is that a possibility to have the water run off in a retention pond and be pumped into the County system. Mr. Butler said the difference is that a detention basin after a storm holds the water, releases it at a certain rate. After a few days and the storm is gone, the basin basically becomes dry. A retention basin has a constant water level at a certain height. It helps ground water recharge especially close to any wetlands.

The conceptual plan shows approximately 140 houses with minimum ½ acre lots. Mr. Butler spoke about maintaining the wooded areas. Our goal is not to make this a sparse open space and be as environmental sensitive as we can. Regarding water pressure, Mr. Butler explained we will be doing what is called a loop system thereby making it a better water supply system for the surrounding residents. We do not put in a development like this with one water service feed. In case there is a break, you are not cutting everyone off from water supply. Also, it would be a fire fighting hazard. We would be placing fire hydrants at certain intervals per the regulations.

The discussion about schools which I understand the student population of Clark County has reduced. At the last meeting {County Planning Commission} there was an indication that this would benefit the schools. This development will be done in phases. It will probably take between five to ten years to

complete. The intent is to start on Hunter Road. They will be extending the sanitary sewer trunk lines to this area. The county would like for them to extend this so potentially areas that are currently on septic systems will be able to be placed onto the public sanitary system. It would benefit the entire area. Mr. Butler said that house values are going to vary in this development with varying lot sizes. Mr. Butler said he cannot speak to the target {price} range because we have not gotten that far. All we have done is the homeowners purchased some property, contacted myself and we spoke with Mr. Neimayer on what would fit in this area. This area is in capsulated in a R-1 zoning area. It fits in well, especially since the intent is to vary the lot sizes. Mr. Butler said that they are trying to make it to have one access point. This has nothing to do with his planning, but is Clark County Plan. Mr. Butler said he cannot do anything about drainage issues that he did not design and had nothing to do with. Mr. Butler stated that he plans on making this development meet Clark County Regulations and work with the County Engineers to make this a successful development.

Chairperson Brust closed this portion of the public hearing at 10:30 am and asked for discussion among the Board.

Chairperson Brust then summarized some of things that he thinks are important. This a request for a zoning change and not a request to approve a development. The change would be consistent with the surrounding area. You have a significant water run off issue and will still have whether or not the subject property is developed. The land that we are talking about is private property. Therefore, there is no incentive for the owner to make improvements to address those problems. However, there is an incentive for a potential builder to improve that land if approved for something they can construct and make money from. It is not public property nor a park. It is private property. The developer has significant infrastructure hurdles that they have to overcome with the County before they can do anything. There have been concerns raised by some of the County Agencies that will have to be addressed before any construction can take place. It would be to the developer's interest to mitigate the water coming down.

Mr. Jurick feels that this development has so much unresolved here that he is not even sure a delay or table could get this resolved here. The regulations say it has to meet certain things, but that is minimum standards. The Subdivision Regulations are the bottom line not the top line. The burden is on the Applicant to prove a positive outcome. As part of our decision process is this something our community needs. The developer should put together a plan where the wetlands will be preserved and how the street issues will be somewhat resolved. Mr. Jurick stated that his thoughts are to recommend denial and also recognize it goes to the county commissioners after this. He also feels that if it were approved there is a high probability there will be a referendum. He stated he has had three in Mad River Township in the last three years. We want development that is compatible with our life style.

Mr. Lane stated that you cannot put a hundred roofs, roads and driveways without increasing the water run-off and will eventually go into Mud Creek. Mr. Lane said he has a problem with that because of the existing issues nearby.

Hearing no further questions or comments from the Board, Chairperson Brust asked for a motion.

# Minutes

## Clark County Rural Zoning Commission

**Case #Z-2016-01 ~ Rezoning ~ Property Owners/Applicants: William and Cheryl Herrmann ~ Agent: Steve Butler ~ Location 5372 and 5370 Hunter Road ~ 70.06 acres from A-1 (Agricultural District) to R-1 (Rural Residence District) ~ Mad River Township**

Motion by Mr. Lane, seconded by Mr. Hays to recommend **Approval** as presented.

**VOTE: Yes:** None.

**No:** Mr. Lane, Mr. Hays, Mr. Jurick and Mr. Leis

**Motion was denied.** Mr. Neimayer stated a recommendation to deny the rezoning request will be forward to the county commissioners.

Chairperson Brust recessed the meeting for the audience to clear out.

### **Election of Officers: Chairperson and Vice-Chairperson for 2016.**

Motion by Mr. Leis, seconded by Mr. Hays, to **Elect** Mr. Ken Brust for the Chairperson for the remainder of 2016.

**VOTE: Yes:** Mr. Leis, Mr. Hays, Mr. Jurick, Mr. Lane, Mr. Hostasa

**No:** None

**Abstain:** Mr. Brust

**Motion carried.**

Motion by Mr. Lane, seconded by Mr. Jurick, to **Elect** Mr. John Hays for the Vice-Chairperson for the remainder of 2016.

**VOTE: Yes:** Mr. Lane, Mr. Jurick, Mr. Brust, Mr. Leis, Mr. Hostasa

**No:** None

**Abstain:** Mr. Hays

**Motion carried.**

### **Staff Comments**

Mr. Neimayer stated the next scheduled meeting is Wednesday, April 13, 2016.

### **Adjournment**

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

**VOTE: Motion carried unanimously.**

The meeting was adjourned at 10:58 am.

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Mr. Brust, Chairperson

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Mr. Thomas A. Hale, Secretary