

Minutes

Clark County Rural Zoning Commission

Regular Meeting ~ 9:00 am.
Wednesday, July 14, 2016

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 9:00 am. and asked for the Roll Call.

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

Absent For Roll Call: Mr. Bob Jurick.

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

Approval of the May 11, 2016 Minutes

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

VOTE: Yes: Mr. Lane, Mr. Hayes, Mr. Brust and Mr. Leis.

No: None

Motion carried.

Chairperson Brust explained how the meeting will be held.

Case #Z-2016-04 ~ Rezoning ~ Property Owner/Applicant: Boling Investments LLC. /Ron Boling ~ Location: Lake Road, PID 010-05-00025-201-001 ~ 11.98 acres from A-1 (Agricultural District) to R-4 (Multiple-Family Residence District) ~ Bethel Township

Chairperson Brust asked Mr. Neimayer for the Staff Report.

Mr. Allan Neimayer, Senior Planner, presented the case. This is rezoning case #Z-2016-04. The Property Owner/Applicant is Boling Investments LLC. /Ron Boling. The subject property is located on Lake Road approximately 775 feet south of the intersection with Schiller Road in Bethel Township. The property is currently zoned A-1.

Mr. Neimayer stated the county Thoroughfare Plan map identifies Lake Road as a secondary arterial, which calls for a future widen of Lake Road although he is not aware of any plans at this time. Mr. Neimayer said there is a public sanitary sewer line on the west side of Lake Road. There is no public water in the immediate area. The CROSSROADS Land Use Plan shows this area as Medium Density Residential.

Mr. Neimayer stated the Applicant is requesting R-4 zoning, which would allow for 2-family or 3-family dwellings. For 3-family or more development, zoning regulations require both public water and sanitary sewer. Public sanitary sewer is on the west side of Lake Road. Public water was recently extended on Kennedy Road to meet the needs for expansion at the Albat site (1900 Lake Road). The Applicant would need to extend a public water line from Kennedy Road to the subject property or apply for a variance to the Board of Zoning Appeals.

Mr. Neimayer explained that the Applicant would like to split the subject property into three separate lots. Provided in the Board's packet are the Applicant's conceptual drawings of the intended 2-family and 3-family dwellings.

Staff recommends the Applicant's request to rezone the 11.98 acres from A-1 to R-4 be approved as presented. The Clark County Planning Commission met July 6, 2016. Following their review, the CPC recommends the request for the R-4 be denied. They have concerns of having the higher density multi-family apartment complexes. The CPC does recommend to the Rural Zoning Commission that the property be rezoned from A-1 to R-4'S' (Specific Use) limiting development to three separate parcels each parcel having no greater than a 3-family dwelling. Mr. Neimayer stated he would answer questions the Board may have at this time.

Mr. Neimayer noted the comment letter from the County Engineer's Department was received after the Board packets were sent out. Copies were distributed to the Board prior to the meeting. In addition, Mr. Neimayer noted that Shirley Stewart lives at 2435 Lake Road directly across the subject property. She left a message yesterday (June 13, 2016) that she planned to attend this public hearing to speak in opposition but her husband became ill and is unable to attend. She asked that the following concerns be relayed to the Board: 1) traffic associated with multi-family development; 2) increase in traffic on Lake Road; and 3) having an apartment complex developed in the immediate area.

Chairperson Brust asked what is the intended number of units per each of the lots. Mr. Neimayer responded a maximum of 3-family dwellings per lot for a total of nine dwellings.

Chairperson Brust asked if there would be one access point to the lots. Mr. Neimayer responded that County Engineer's Department must review/approve new curb cuts. They would like to see one access point for all three lots.

Chairperson Brust asked what types of dwellings were able to be built on the lots. Mr. Neimayer responded that the County Planning Commission has recommended limiting development to three lots with no greater than 3-family dwellings per lot.

Mr. Hays asked if there would be one well serving all three lots. Mr. Neimayer responded that would be up to the Health Department depending on the soils evaluation of the site.

Chairperson Brust opened this portion of the public hearing at 9:14 am and asked if anyone would like to speak in favor of the rezoning case.

Mr. Ron Boling, Applicant, 10812 Schiller Road, stated if the property is developed with 2-family dwellings, he would like to split the property into four lots. He would like each lot to have their individual driveway as well as having their own well. He does not want to develop an apartment complex.

With no one else to speak in favor of the rezoning case, Chairperson Brust asked if anyone would like to speak in opposition of the rezoning case.

Mr. Lowell Watson, 2581 Wake Road, stated his concern of a watershed on his property that causes flooding, citing studies that have been conducted by Wright State University over the past fifteen years. The concern is that additional driveways would increase the amount of flooding on his property.

Mr. Bob Riggs, 2620 Lake Road, stated he is concerned that the proposed project will negatively impact the water quality. He stated when the sanitary sewer was constructed, the water table dropped. He went on to say that the previous owners of the property wished the property be left in its natural state.

Mrs. Nancy Brown, 3805 Tomahawk Drive, Bethel Township Trustee, stated the Township Trustees have no position on this rezoning request. She does have the following personal concerns: 1) setting a precedent for allowing multi-family development in an existing single-family area; 2) storm water runoff; 3) if the rezoning is approved, requiring buffering between the multi-family development and the existing single-family development. If the Board recommends approval, she asked that they follow the recommendation of the County Planning Commission.

With no one else to speak in opposition to the rezoning request, Chairperson Brust asked the Applicant for rebuttal.

Mr. Boling stated that the issue of runoff would be worked on. He spoke on the potential number of driveways under the normal lotsplit process vs. his proposed development. He also spoke on the conceptual drawings submitted for 2-family and 3-family dwellings and how he would modify them to provide for larger bedrooms.

Chairperson Brust closed this portion of the public hearing at 9:40 am and asked for discussion among the Board.

Mr. Leis asked if the storm water regulations will ensure that the storm water drains as it should. Mr. Neimayer responded the proposed development would be reviewed by the County Engineer's Department for complying with the storm water regulations.

Mr. Leis asked how close the water line is to the subject property. Mr. Neimayer stated the public water line (from Kennedy Road) just less than 1,000 feet away.

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

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/Ron Boling ~ Location: Lake Road, PID #010-05-00025-201-001 ~ 11.98 acres from A-1
(Agricultural District) to R-4 (Multiple-Family Residence District) ~ Bethel Township**

Motion by Mr. Lane, seconded by Mr. Leis, to recommend **Approval** (to R-4 zoning) as presented.

VOTE: Yes: None.

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

Motion failed. A recommendation to deny R-4 zoning will be forwarded to the Board of County Commissioners.

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Motion by Mr. Lane, seconded by Mr. Leis, to recommend **Approval** to R-4'S' as recommended by the County Planning Commission.

VOTE: Yes: Mr. Hays, Mr. Lane and Mr. Leis

No: None

Motion passed. A recommendation to R-4'S' zoning, limiting development to three parcels each parcel having a maximum of one three-family dwelling unit.

Staff Comments

Mr. Neimayer stated the next scheduled meeting is Wednesday, August 11, 2016.

Mr. Neimayer stated that John Hostasa has a work-scheduling conflict and must resign his position as an Alternate on the board.

Adjournment

RZC: 07-14-2016: Adjournment

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

VOTE: Motion carried unanimously.

The meeting was adjourned at 9:51 am.

Mr. Ken Brust, Chairperson

Mr. Thomas A. Hale, Secretary