Minutes Clark County Rural Zoning Commission

Regular Meeting ~ 8:30 a.m.
Thursday, July 18, 2013

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

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

Present: Mr. Ken Brust, Mr. John Baird, Mr. John Hays and Mr. Pete Lane.

Absent: Mrs. Jerri Taylor.

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

RZC: 7-9-2013: Minutes ~ June 13, 2013 (Regular Meeting)

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

VOTE: Motion carried unanimously.

Vice 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.

Vice Chairperson Brust asks the Board if anyone needs to abstain. Hearing none, he asks the Staff to present the case.

Z-2013-3:Rezoning Case ~ Kathleen Boutis {Applicant – Shawn Stout} ~ 1.12 Acres ~ Property located at 6500 Springfield-Xenia Rd ~ Mad River Township ~ B-1 (Neighborhood Business District) to B-3 (General Business District)

Mr. Neimayer, Senior Planner, presents several maps and exhibits of this case and states that the subject property consists of 1.12 acres and is currently zoned B-1 (Neighborhood Business District). The property owners are requesting to rezone the subject property from B-1 to B-3 (General Business District) for auto sales. The property is located at the corner of E. Jackson Road and St. Rt. 68 in Mad River Township. East of the property are residential lots, zoned A-1; North, a residential lot and a gas station, zoned A-1 and B-2; South, a residential lot and Young's Jersey Dairy, zoned A-1 and B-3; West, a church and residential lots, zoned A-1.

In 2006, the property was rezoned from A-1 to B-1 for an antique business. The property is located in District 3 of the Springfield-Beckley Municipal Airport Overlay Zoning. They will not have to submit anything to FAA as long as they do not change the height of the structure. He

feels it will fit in with the Crossroads Land Use Plan since more businesses have come into that area over the last several years.

The Staff recommends the Applicant's request be approved subject to the Health District's approval for the on-site utilities. After the staff reports were sent out, the Health District was able to identify the location of the well and septic tank. They were not able to locate the leach field at the time due to heavy rain, but are supposed to revisit the site at a later date. There are stipulations on where the paving can be located not to interfere with the leach field areas.

The County Planning Commission met on July 10, 2013 and made a motion to recommend the Applicant's request to rezone the subject property to B-3 be denied. The Planning Commission's reasoning was due to the lack of information provided to the County Engineer's Office. They had concerns regarding storm water retention and the two access points.

After the County Planning Commission meeting, Dean Fenton, County Engineer's Office, met with the Applicant and has worked out the location of the storm water retention area and the first access point closest to St. Rt. 68 will not be used. The County Engineer's Office has provided an updated letter and has no objections to the requested rezoning.

Mr. Lane questions what the restrictions are for the access points.

Mr. Neimayer comments since it was a fire station years ago, it has the two access points and the traffic was not so heavy. Since this is a lot of record they will probably have the Applicant put the access point as far away from St. Rt. 68 as possible. The adjacent parcel to the east is a residential lot. Zoning regulations require the Applicant's driveway to be 10 feet from that common lot line. If the rezoning is approved the Applicant will have to provide a plot plan (part of the zoning permit process) and that will have to be approved by the Couny Engineer's Office.

Vice Chairperson Brust asks if the lot will be paved on the east side of the property.

Mr. Neimayer states he is not sure since a plot plan has not been submitted. He states the Applicant will not be able to pave any closer than 10 feet from the east property line per zoning regulations.

Mr. Hays comments they had a similar case where the Marathon Station wanted to increase their paved area.

Mr. Neimayer responds they did. There were comments from the surrounding property owners regarding the drainage flowing in an eastward direction and would flood their properties if they increased the amount of pavement.

Mr. Hays questions the direction of the drainage.

Mr. Neimayer comments there is a natural drainage area which drains away from the residential properties.

Hearing no further questions from the Board members, Vice Chairperson Brust opens the public hearing at 8:41 a.m. and asks if there any proponents wishing to speak in favor of the case.

Mr. Shawn Stout, whose address is 6847 Dayton Springfield Road states, is the Applicant. He met with Mr. Fenton, County Engineer's Office, and discussed the location of the storm water retention area which will be in the southwest corner of the property. He will close the closest access point to St. Rt.68 and use the other access point (on Jackson Rd.). He will be paving in front along St. Rt. 68 and east of the building close to the run-off area. He will stay away from the on-site utilities.

Mr. Lane questions the location of the well.

Mr. Stout comments the well is on the east side, propane tank and then the septic tank.

Mr. Lane questions the location of the leach field.

Mr. Neimayer comments that has not been found yet. The original records are not available. Depending on the location of the leach field will determine how much he will be able to pave the lot.

Mr. Stout states he talked with the Health District and they are supposed to come back out in the next few days.

Vice-Chairperson Brust asks if there are any opponents wishing to speak against the case.

Mr. Phil Speirs, whose address is 6485 Springfield Xenia Rd. states he is concerned about the uses for a B-3 zoning district if the car lot goes out of business.

Mr. Neimayer explains the different uses that are allowed in a B-3 (General Business District) which also allows uses from the B-1 and B-2 districts. He feels with the size of the subject property and the fact they have on-site utilities will limit the use of the property.

B-3 GENERAL BUSINESS [eff: 11-6-08]

PRINCIPAL PERMITTED AND CONDITIONED USES: [See TABLE 2.1 for Miscellaneous Requirements & TABLE 2.4 for Lot Frontage, Size, Height, & Setbacks]	FOOTNOTES (Restrictions)
1. Uses listed as "Principal Permitted & Conditioned Uses" in the B-2 District but said uses must meet B-3 frontage, Area, setbacks and other standards or CHAPTER 7 requirements if more restrictive.	
2. Building and Related Trades	1, 2, 3, 4, 5, 6
3. Building Material Sales Yard	1, 2, 3, 4, 5, 6, 17
4. Automotive sales – new & used	1, 2, 3, 4, 5
5. Automotive Repair or Body Shop provided all outside storage is screened on all sides by a well maintained 6 foot opaque wall or fence	1, 2, 3, 4, 5, 6, 15, 22
6. Wholesale Establishments	1, 2, 3, 4, 5, 6
7. Restaurants, including Drive-in, Carry-out, and Drive-thru and those providing entertainment or dancing	1, 2, 3, 4, 5, 6, 14

PRINCIPAL PERMITTED AND CONDITIONED USES: [See TABLE 2.1 for Miscellaneous Requirements & CHAPTER 7 for Lot Frontage, Size, Height, & Setbacks]	FOOTNOTES (Restrictions)
8. Animal Hospitals, Veterinary Clinics, and Kennels	1, 2, 3, 4, 5, 6, 12
9. Drive-In Motion Picture Theater	1, 2, 3, 5, 18
10. Private and Public Outdoor Recreation Areas	1, 2, 3, 5, 19
11. Motels and Hotels	1, 2, 3, 4, 5, 6, 20
12. Hospitals & Auxiliary Facilities	1, 2, 3, 4, 5, 6, 21

B-2 COMMUNITY BUSINESS [eff: 11-6-08]

PRINCIPAL PERMITTED AND CONDITIONED USES: [See TABLE 2.1 for Miscellaneous Requirements & TABLE 2.3 for Lot Frontage, Size, Height, & Setbacks]	FOOTNOTES (Restrictions)
1. Uses listed as "Principal Permitted & Conditioned Uses" in the B-1 District but said uses must meet B-2 frontage, area, setbacks and other standards or CHAPTER 7 requirements if more restrictive.	
2. Indoor Motion Picture Theaters	1, 2, 3, 4, 5, 6
3. Restaurants, including Drive-in, Carry-out, and Drive-thru excluding: a) those providing entertainment or dancing	1, 2, 3, 4, 5, 6, 14
4. Garden Centers and Greenhouses	1, 2, 3, 4, 5
5. Printing, publishing, and lithograph shops	1, 2, 3, 4, 5, 6
6. antique and antique refinishing shop	1, 2, 3, 4, 5, 6
7. Furniture upholstering & refinishing shop	1, 2, 3, 4, 5, 6
8. Automotive Service Stations with repair facilities and excluding temporary or short-term or long-term outside storage of parts and/or vehicles	1, 2, 3, 4, 5
9. Car Rental pick up facility	1, 2, 3, 4, 5
10. Car Washes	1, 2, 3, 4, 5, 16
11. Bowling alleys or billiard parlors	1, 2, 3, 4, 5, 6
12. Air Conditioning, Plumbing, Heating, and Roofing Shops	1, 2, 3, 4, 5, 6
13. Automotive Parts Store selling new or newly remanufactured parts and/or tires and batteries	1, 2, 3, 4, 5, 6
14. Indoor Private & Commercial Recreation Establishments	1, 2, 3, 4, 5, 6, 11

CONDITIONALLY PERMITTED USES – Requires BZA Approval [See TABLE 2.1 for Miscellaneous Requirements & TABLE 2.3 for Lot Frontage, Size, Height, & Setbacks]	FOOTNOTES (Restrictions)
1. Uses listed as "Conditionally Permitted Uses" in the B-1 District but said uses must meet B-2 frontage, area, setbacks and other standards or CHAPTER 7 requirements if more restrictive.	
2. Animal Hospitals, Veterinary Clinics, and Kennels	1, 2, 3, 4, 5, 6, 12
3. Bars and Taverns	1, 2, 3, 4, 5, 6, 13

B-1 NEIGHBORHOOD BUSINESS [eff: 11-6-08]

PRINCIPAL PERMITTED AND CONDITIONED USES: [See TABLE 2.1 for Miscellaneous Requirements & TABLE 2.2 for Lot Frontage, Size, Height, & Setbacks]	FOOTNOTES (Restrictions)
1. Business and/or Professional Offices	1, 2, 3, 4, 5, 6
2. Banks, Financial Institutions, & Loan Businesses	1, 2, 3, 4, 5, 6
3. Local retail or service establishments, including: camera, photo, or electronic store grocery, fruit or vegetable store bakery goods, pizza or delicatessen store toy store, hobby store, or home decorations store book store, news stand, or stationery store drugstore, florist, jewelry, gift, or optical store laundromat, clothes cleaning & laundry pick-up station luggage or leather goods store health & fitness center including spas pressing, alteration, sewing & garment repair shoe store or shoe repair shop durable goods, furniture & appliance store hardware store, barber or beauty shop candy or ice cream store tattoo parlor	1, 2, 3, 4, 5, 6
4. Restaurant excluding: a) Drive-in or Drive-thru b) those providing entertainment or dancing	1, 2, 3, 4, 5, 6
5. Radio and Television Broadcasting Studios	1, 2, 3, 4, 5, 6
6. Funeral Homes & Mortuaries	1, 2, 3, 4, 5, 6
7. Custom Butcher Shop or meat market	1, 2, 3, 4, 5, 6
PRINCIPAL PERMITTED AND CONDITIONED USES: [See TABLE 2.1 for Miscellaneous Requirements & CHAPTER 7 for Lot Frontage, Size, Height, & Setbacks]	
8. Automotive Service Stations without repair facilities and excluding temporary or short-term or long-term outside storage of parts and/or vehicles	1, 2, 3, 4, 5, 6, 9
CONDITIONALLY PERMITTED USES – Requires BZA Approval [See TABLE 2.1 for Miscellaneous Requirements & TABLE 2.2 for Lot Frontage, Size, Height, & Setbacks]	
1. Indoor Private & Commercial Recreational Establishments	1, 2, 3, 4, 5, 6, 11
2. Day-Care Centers	1, 2, 3, 5, 6, 8
3. Clubs, Fraternal or Lodge Organizations	1, 2, 3, 4, 5, 6
CONDITIONALLY PERMITTED USES – Requires BZA Approval [See TABLE 2.1 for Miscellaneous Requirements & CHAPTER 7 for Lot Frontage, Size, Height, & Setbacks]	
4. Nursing Homes, Convalescent Homes, Rest Homes	1, 2, 3, 5, 10
5. Churches & similar places of worship	1, 2, 3, 5, 29

Mr. Speirs comments he lives cattycornered from the subject property and is concerned about water run-off. When it rains a lot his front yard fills up with water. He mentions there is a tile underneath the road but it is not large enough when it rains heavily. He is worried about some of the businesses that would be allowed in this zoning district. He moved to the area to enjoy the quiet. The lights and the noise from the gas station and Young's are enough problems.

Mr. Stout comments the property was a car lot at one time in 2009-2010 with very few cars. He has had a car lot in Enon for five years and does not plan on going anywhere. He feels this will be a better location than where he is located at now. He plans on making a lot of upgrades and would like to stay there for a long time. He comments there will not be a lot of lighting and will be less traffic than what a local grocery store would have.

Vice Chairperson Brust closes the public hearing at 8:54 a.m.

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

RZC: 7-10-2013: Z-2013-3: Rezoning Case ~ Kathleen Boutis {Applicant - Shawn Stout} ~ 1.12 Acres ~ Property located at 6500 Springfield-Xenia Road ~ Mad River Township ~ B-1 (Neighborhood Business District) to B-3 (General Business District)

Motion by Mr. Lane, seconded by Mr. Baird to recommend ***Approval*** of rezoning case Z-2013-3 from B-1 to B-3 as presented.

VOTE: Motion carried unanimously.

Zoning Regulations – Proposed Amendments ~ Chapters 5 thru 7

Mr. Neimayer proceeds to Chapter Five that cover Off-Street Parking and Loading/ Unloading Regulations, which are mostly editorial changes. On page 5-5, Assisted Living Facilities was added.

He comments that parking and signs are his next project. He feels there are changes that need to be made especially with some of the formulas which are currently based on the number of employees for the intended use. That is outdated and should be based on square footage.

He proceeds to Chapter Six, Sign and Billboard Regulations. On Page 6-2, signs for the sale/lease of property have been broken down into residential and commercial categories. Signs in the Planned Development District shall be constructed in compliance with the approved plan. Page 6-3, Political Signs – we do not have authority of these types of signs except they cannot be placed in the public right-of-way. Page 6-4, Electronic Signs mirrors the City of Springfield's Zoning Regulations that were changed a couple of years ago.

Mr. Hays questions the fading and dissolving on Page 6-5 #5. Mr. Neimayer states the message pretty much disappears into sparkles and fading means the whole image fades out.

Mr. Hays questions the definition of nits. Mr. Neimayer explains it is the current terminology of the brightness of the LED component of the sign.

Mr. Neimayer proceeds to Page 6-6, Portable Signs will be added. He is still researching information on the height and size. They are pretty much a standard size and are ones that can usually be pulled around. Bench signs which has come up in the past and it is now included under prohibited signs except of "dedication" or "in-memory-of" type plaques. The rest of Chapter 6 is editorial changes.

Mr. Neimayer proceeds to Chapter Seven, Regulations for Conditioned and Conditional Uses. There are several editorial changes. On Page 7-19, Private and Public Outdoor Recreation Areas had been changed to match the wording in Chapter 2. On Page 7-20 Regulations for Cell Towers are regulated by the State Review Board. The wording "to the extent permitted

by ORC" will be added per advise from the County Prosecutor's Office. On Page 7-22, 7(a) 4, adding clarification of the property line.

Mr. Neimayer comments on Page 7-25 Section 131, Regulations for Zero Lot Line, Cluster, Detached, Semi-Detached, or Attached Dwellings will be changed to clarify the intent. On Page 7-29, Manufactured Homes, updating proper reference to the state building codes. On page 7-30, Automotive Service Stations, clarification changes. The rest of Chapter 8 are editorial changes.

He comments he will be making some new changes to Chapter 4, Planned Development regarding the recording of the approved development plan and text.

Mr. Neimayer asks the Board to review Chapters 8 and 9 for discussion at the August meeting. He is hoping to start the formal adoption process for the September meeting and then to the County Commission hopefully in November. He would like to have the new regulations in place by January 1, 2014.

Staff Comments

Mr. Neimayer states a new rezoning case has been filed and confirmed the August meeting will be on Wednesday August 14, 2013.

Mr. Neimayer informed the Board that Jerri Taylor was in a major accident and, due to the extent of her injuries, she has decided to resign from the Rural Zoning Commission. She did express interest in returning to the Board in the future. He will be looking for a replacement for her position. If any Board members know of someone who would be interested in joining the Board, please let him know.

Adjournment

RZC: 7-11-2013: Adjournment

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

VOTE: Motion carried unanimously.

The meeting was adjourned at 9:18 a.m.

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Mr. Ken Brust, Vice Chairperson Mr. Thomas A. Hale, Secretary