

Minutes

Clark County Planning Commission

Regular Meeting ~ 2:00 p.m.
Wednesday, April 5, 2017

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Vice Chairperson Elaine Stevenson of the Clark County Planning Commission called the meeting to order at 2:05 pm. and asked for the Roll Call.

Present For Roll Call: Ms. Louise Maurer, Mr. Don Wallace, Mrs. Charlene Roberge, Mr. Mark Scholl, Mrs. Elaine Stevenson, Commissioner McGlothlin, Commissioner Lohnes, and Commissioner Wilt.

Absent For Roll Call: Ms. Jo Anderson and Mr. David Minard.

Vice Chairperson Stevenson stated because there are not enough eligible voting members present to act on the December 7, 2016 or February 11, 2017 minutes, those actions will be deferred to the next regular meeting.

Rezoning Case #P-2017-01 ~ Property Owner/Applicant: Donald Woodward ~ 6650 N. Hampton Rd.; Pike Twp. ~ to rezone 5.001 acres to R-1 with the remaining acreage to A-1 to clean up split zoning.

Vice Chairperson Stevenson asked Mr. Neimayer for the Staff Report.

Mr. Allan Neimayer, Senior Planner, stated the subject property is located at 6650 N. Hampton Rd. and consists of 26.56 acres. He said the original zoning map adopted for Pike Township shows the property was zoned A-1 (Agricultural District). In 1982, 5.204 acres was rezoned to R-1 (Rural Residence District) for a house lot and, because that acreage was never split off from the farm land, the property has split zoning – A-1 and R-1. Mr. Neimayer said the Applicant would like to split off the house site with 5.001 acres under R-1 zoning and leave the remaining farm land under A-1 zoning.

Mr. Neimayer stated the CROSSROADS Land Use Plan identifies this area of Pike Twp. as Agriculture/Rural Residential: “predominantly rural portions of the County, where agriculture should remain the priority, are designated as Agricultural/Rural Residential.” Mr. Neimayer stated the existing residence is serviced by on-site utilities. Health Dept. records from 1991 show the well located to the north of the house. He stated the septic and leach field are located to the west of the house. Mr. Neimayer stated the subject area is predominantly a rural residential and agricultural area. Pike Twp. zoning requires a minimum lot size of 40 acres in the A-1 zoning district and the township’s Board of Zoning Appeals has approved a variance request to reduce the minimum lot size and allow for approval of the proposed split. Mr. Neimayer stated Staff recommends the Applicant’s request to rezone 5.001 acres of the subject property to R-1 with the remaining to A-1 to clean up split zoning be approved as presented.

Vice Chairperson Stevenson asked if the Board had questions for Mr. Neimayer.

Commissioner Wilt asked about the access point. Mr. Neimayer responded it would not be an issue due to having plenty of frontage.

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

Action Rezoning Case #P-2017-01 ~ Property Owner/Applicant: Donald Woodward~ 6650 N. Hampton Rd.; Pike Twp. ~ to rezone 5.001 acres to R-1 with the remaining acreage to A-1 to clean up split zoning.

Motion by Mrs. Roberge, seconded by Mr. Wallace for **Approval** as presented.

VOTE: Yes: Mrs. Roberge, Mr. Wallace, Mr. Scholl, Ms. Maurer, Commissioner McGlothlin, Ms. Maurer and Commissioner Wilt.

No: None.

Motion carried.

Note: Commissioner Lohnes left the room before the vote and did not return until after the vote.

Rezoning Case #Z-2017-01~ Property Owner/Applicant: Ed Kolaczowski ~ Location: 0 Schiller Rd. (PID 010-05-00025-201-023); Bethel Twp. ~ to rezone 1 acre from A-1 to R-1

Vice Chairperson Stevenson asked Mr. Neimayer for the Staff Report.

Mr. Neimayer stated the subject property is located on Schiller Rd., 860-plus ft. west of S. Medway-New Carlisle Rd., and consists of 4.79 acres. The original zoning map adopted for Bethel Township shows the property was zoned A-1 (Agricultural District) and it remains as such today. He stated the Applicant would like to rezone 1.0 acre from A-1 (Agricultural District) to R-1 (Rural Residence District) to allow for a lot split for a new single-family home. The Applicant would like to build a home for his parents and due to the topography of the subject property and its extensive woodlands, the Applicant would like to split off a one (1) acre parcel for the parent's house lot. Mr. Neimayer noted the zoning of the remainder of the subject property would stay as A-1. The CROSSROADS Land Use Plan identifies this area of Bethel Twp. as Agriculture/Rural Residential: "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." Mr. Neimayer stated the subject property can be serviced by public sanitary sewer with on-site well. The public sanitary sewer line runs along the north side of Schiller Rd. The Applicant has already contacted the County Utilities Department regarding hookup. Mr. Neimayer stated the subject area is predominantly a rural residential and agricultural area. Therefore, Staff recommends the Applicant's request to rezone 1.0 acre from A-1 to R-1 to allow for a lot split to build a single-family residence be approved as presented.

Vice Chairperson Stevenson asked if the Board had questions for Mr. Neimayer.

Commissioner Lohnes asked if the Applicant would have to hook up to utilities. Mr. Neimayer responded the Applicant wants to because of zoning (setback) issues.

Vice Chairperson Stevenson asked if the lot was one acre. Mr. Neimayer responded yes.

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

Action Rezoning Case #Z-2017-01 ~ Property Owner/Applicant: Ed Kolaczowski ~ Location: 0 Schiller Rd. (PID 010-05-00025-201-023); Bethel Twp. ~ to rezone 1 acre from A-1 to R-1 for a lot split.

Motion by Mrs. Roberge, seconded by Commissioner McGlothin, to recommend **Approval** as presented.

VOTE: Yes: Mrs. Roberge, Commissioner McGlothin, Mr. Wallace, Mr. Scholl, Ms. Maurer, Commissioner Lohnes and Commissioner Wilt.

No: None.

Motion carried.

Rezoning Case #Z-2017-02 ~ Property Owners/Applicants: Jack & Judith Woods ~ Location: 2620 Moorefield Rd.; Moorefield Twp. ~ to rezone 10 acres from A-1 to AR-10 for a lot split.

Vice Chairperson Stevenson asked Mr. Neimayer for the Staff Report.

Mr. Neimayer stated the subject property is located at 2620 Moorefield Rd. and consists of 39.52 acres. He noted the original zoning map adopted for Moorefield Twp. shows the property was zoned A-1 (Agricultural District) and it remains as such today. The Applicant would like to rezone 10 acres from A-1 to AR-10 (Agricultural/Residential District) to allow for a lot split of the existing house site with surrounding land. Mr. Neimayer noted that the zoning of the remainder of the subject property would stay as A-1. He explained the intent of the AR-10 District is to allow low density and very low density residential development in areas deemed unsuitable or unusable for agricultural uses or which will allow limited residential development in a manner so as not to impede agricultural uses. Mr. Neimayer pointed out the PD-M Zoning to the North, East and West of the subject property. Because that development never commenced, further zoning action would be needed to develop that area. Mr. Neimayer said The CROSSROADS Land Use Plan identifies this area of Moorefield Twp. as Medium Density Residential: "...development (4 to 6 dwellings per acre - gross density) should be directed to existing residential growth areas, where it can be serviced by central water and sewer service." The existing residence is serviced by on-site utilities, but noted there is public water and sanitary sewer lines along Moorefield Rd. The Applicant does not have to hookup to the public utilities. Mr. Neimayer stated the subject area is predominantly a rural residential and agricultural area. Therefore, Staff recommends the Applicant's request to rezone the 10 acres from A-1 to AR-10 to allow for a lot split of the existing house site with surrounding land be approved as presented.

Vice Chairperson Stevenson asked if the Board had questions for Mr. Neimayer.

Vice Chairperson Stevenson asked when the Planned District was done. Mr. Neimayer stated he did not have the date, but that PD-M was no longer active. He stated the owner would have to go through the zoning process again to do any development.

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

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Clark County Planning Commission

Action Rezoning Case #Z-2017-02 ~ Property Owners/Applicants: Jack & Judith Woods ~ Location: 2620 Moorefield Rd.; Moorefield Twp. ~ to rezone 10 acres from A-1 to AR-10 for a lot split.

Motion by Mrs. Roberge, seconded by Commissioner Wilt, to recommend **Approval** as presented.

VOTE: Yes: Mrs. Roberge, Commissioner Wilt, Mr. Wallace, Ms. Maurer, Commissioner Lohnes, Ms. Maurer and Commissioner McGlothlin.

No: None.

Abstain: Mr. Scholl.

Motion carried.

Rezoning Case #Z-2017-03 ~ Property Owner/Applicant: Noelle Gehm, O.D.~ Location: 10551 W. National Rd.; Bethel Twp. ~ to rezone 1.37 acres from A-1 to O-1 for an optometry office.

Vice Chairperson Stevenson asked Mr. Neimayer for the Staff Report.

Mr. Neimayer stated the subject property is located at 10551 W. National Rd. and consists of 1.37 acres. He noted the original zoning map adopted for Bethel Twp. shows the property was zoned A-1 (Agricultural District) and it remains as such today. The Applicant would like to rezone the subject property from A-1 to O-1 (Office Business District) for a new optometry office. In addition to renovating the existing house for the new office use, the Applicant proposes to add a 22 ft. by 25 ft. (550 sq. ft.) addition on the east side of the building. The intent of the Office Business District is to reflect existing office uses at different locations throughout the unincorporated areas of the County, and to allow a "mix" of business and professional office establishments with existing dwellings along major thoroughfare frontage that is undergoing transition.

The CROSSROADS Land Use Plan identifies this area as Agriculture/Rural Residential: "predominantly rural portions of the County, where agriculture should remain the priority, are designated as Agricultural/Rural Residential." He stated the residence had been serviced by on-site utilities but, per the Health Dept., the existing septic and leach field must be abandoned and the new office building must be connected to the sanitary sewer line along W. National Rd., which is owned by the Village of Donnelsville. Mr. Neimayer stated the Applicant is working with the Health Dept. regarding this matter in addition to the provision of water service (i.e., under the Health Dept. or the Ohio EPA).

Mr. Neimayer stated the off-street parking requirement for a medical office is three spaces for each examination room, plus one space for each doctor or employee. He noted the submitted site plan shows 15 total parking spaces including one handicap space and two exam rooms. Mr. Neimayer stated the proposed addition on the east end of the building would not comply with the front setback requirement of the O-1 District. Staff has already reviewed this setback issue with the Applicant. Pending rezoning approval, the Applicant can either file a variance application requesting a reduction to this setback or modify the site plan as necessary, which would then require reconfiguring the parking area.

Staff recommends the Applicant's request to rezone the subject property from A-1 to O-1 be approved conditioned that before a Certificate of Zoning can be issued, the following items must be resolved: 1) review and approval from ODOT for access to the new office development; 2) approval from the Health Dept. and/or Ohio EPA regarding water provisions; 3) all necessary approvals for connecting the office building to the public sanitary sewer; and 4) zoning compliance of the proposed addition.

Vice Chairperson Stevenson asked if the Board had questions for Mr. Neimayer.

Commissioner McGlothlin asked what the neighbor behind the property was zoned. Mr. Neimayer answered A-1 and explained that it was grandfathered in.

Vice Chairperson Stevenson asked where is the public sanitary sewer line located on W. National Rd. Mr. Neimayer stated he does not have that information.

Commissioner McGlothlin stated he felt the business would be a great asset to the area.

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

Action Rezoning Case #Z-2017-03 ~ Property Owner/Applicant: Noelle Gehm, O.D. ~ Location: 10551 W. National Rd.; Bethel Twp. ~ to rezone 1.37 acres from A-1 to O-1 for an optometric office.

Motion by Mrs. Roberge, seconded by Commissioner McGlothlin, to recommend **Approval** as presented with the following conditions to be resolved: 1) review and approval from ODOT for access to the new office development; 2) approval from the Health Dept. and/or Ohio EPA regarding water provisions; 3) all necessary approvals for connecting the office building to the public sanitary sewer; and 4) zoning compliance of the proposed addition.

VOTE: Yes: Mrs. Roberge, Commissioner McGlothlin, Mr. Wallace, Ms. Maurer, Mr. Scholl, Commissioner Lohnes and Commissioner Wilt.

No: None.

Motion carried.

Rezoning Case #Z-2017-04 ~ Property Owner: Allan Pohlman ~ Applicant: Gabrielle Dent ~ Location: 4690 S. Tecumseh Rd.; Mad River Twp. ~ to rezone 5.98 acres from A-1 to PD-M for a photography studio, a Bed & Breakfast, and an event venue

Vice Chairperson Stevenson asked Mr. Neimayer for the Staff Report.

Mr. Neimayer stated the subject property is located at 4690 S. Tecumseh Rd. and consists of 5.98 acres. He noted the original zoning map adopted for Mad River Twp. shows the property was zoned A-1 (Agricultural District) and it remains as such today. He stated the Applicant would like to rezone the subject property from A-1 to PD-M (Planned District-Mixed Use) for a photography studio (outdoor studio space), a Bed & Breakfast, and a 2,000 sq. ft. shelter building for an event venue hosting small to medium size weddings. The PD-M provides flexibility for a variety of land uses arranged in such a way as to develop a plan permitting a mixture of types of buildings and uses in harmony with each other which are not provided for in any of the other "PD" District.

The CROSSROADS Land Use Plan identifies this area of Mad River Twp. as Agriculture/Rural Residential: "Predominantly rural portions of the County, where agriculture should remain the priority". Mr. Neimayer explained the subject property is 5.98 acres in size of which approximately 3.7 acres is located in Flood Zone A leaving just over two acres on the north side of the property outside the floodplain. He noted the Applicant will need to work with the County Engineer's Dept. on proper access point(s) for the proposed use of the property. For the intended uses, off-street parking requirements would be: bed and breakfast: 1 space per unit, plus 1 space for each employee; photography studio: 1 space per 200 net sq. ft. (to be confirmed) and event venue: 1 space per 3 seats. He also noted zoning regulations require parking areas for non-residential use to be a paved/hard surface. Mr. Neimayer referenced the submitted site plan and pointed out the planned parking area would be located between the house and the shed.

Mr. Neimayer stated the subject area is predominantly a rural residential and agricultural area and the Applicant's proposed uses are appropriate for the property's location taking advantage of its natural features. He explained the PD-M District is the only zoning district that allows for mixed (residential and non-residential) uses. If the rezoning is approved, the Applicant will need to file a Floodplain Development Application for review and compliance under the floodplain regulations. In addition, the Applicant will need to comply with the county's stormwater management requirements.

Staff recommends the Applicant's request to rezone the subject property from A-1 to PD-M be approved as presented. Mr. Neimayer directed the Board to the County Engineer's Department's letter that was received after the Board packet was sent out. Mr. Neimayer explained that the second (south) access point was the better of the two access points. He stated it will be best to eliminate the one on the curve. Mr. Neimayer also noted the Board could designate the area near the road as a no build/no landscape area to help with visibility. He noted that the parking shown on the proposed site plan may be too much and if some spaces were to be eliminated, less pavement for parking would be needed.

Vice Chairperson Stevenson asked if the Board had questions for Mr. Neimayer.

Commissioner McGlothlin asked what type of events. Mr. Neimayer responded weddings and outside photography.

Commissioner Lohnes asked if a reduction in parking and no approval for the event venue would satisfy the concerns of the Engineering Department. Mr. Neimayer responded it would reduce the amount of pavement needed and less storm water runoff.

Commissioner Wilt asked if storm water retention was not allowed in the flood plain where would the water runoff drain to from the parking area. Mrs. Roberge stated that information is missing. She said the Board does not know where the storm water will go. Commissioner Lohnes stated the maps provided in the presentation may not be exact with overlay either.

Vice Chairperson Stevenson asked if there are restrictions on how close a structure or parking lot could be to the Flood Plain area. Mr. Neimayer was unaware of any such restrictions.

Commissioner Lohnes asked if the Flood Plain application should be completed first. Mr. Neimayer responded the rezoning is the first step.

Commissioner Lohnes asked if the rezoning could include the requirements mentioned: traffic, parking, flood plain, stormwater and safety issues. Ms. Maurer stated she was concerned about the traffic and safety.

Vice Chairperson Stevenson asked if the Applicant would answer some questions.

Mrs. Roberge asked the Applicant how many people would be attending the weddings.

Gabrielle Dent, Applicant, 2355 Gerard Ct., Fairborn, stated she hoped to make the venue for intimate weddings with less than 100 people. She stated outdoor weddings were trending and the property has nice cliffs and land for the type of events. Ms. Dent stated the purchase of the property is contingent on the rezoning.

Vice Chairperson Stevenson asked if the applicant hoped to expand in the future. Ms. Dent stated she did not have any plans to increase the capacity.

Commissioner Lohnes asked Ms. Dent if the photography aspect and bed and breakfast were the only items approved, would she still buy the property. Ms. Dent stated she was not sure as most of the anticipated revenue would be from the event venue portion of the business.

Commissioner Wilt asked if the Applicant had any concerns about the access/traffic safety. Ms. Dent stated she had not witnessed a huge volume of traffic on the road.

Ms. Dent stated the goal was to rent out the bed and breakfast to the family/guests of the wedding party.

Ms. Maurer asked if anyone knew the speed limit on S. Tecumseh Road. She stated she was concerned about the traffic an event could bring and the access being on the curve.

Vice Chairperson Stevenson asked if there was another option for the entrance. Ms. Dent stated she had not heard back for the County Engineering Department. She noted the second access point discussed was overgrown and led to a shed.

Vice Chairperson Stevenson asked if the plan was to pave the parking area. Ms. Dent stated the immediate goal is to use gravel.

Commissioner Lohnes asked if the event venue made the property commercial and, therefore, requiring paved parking. Mr. Neimayer responded yes. However, under this proposed PD-M, the Applicant is requesting approval to have gravel parking.

Commissioner McGlothlin asked Mr. Neimayer to clarify again that rezoning was the first step and that all the other (non-land use/zoning) concerns mentioned would need to be addressed. Mr. Neimayer stated yes.

Commissioner Lohnes asked if Echo Hills was the subdivision shown on the map. Mr. Neimayer responded yes.

Commissioner Wilt stated something needs to be done to make the access/site safer, but she did not want to limit development.

Mr. Scholl asked how far it is from the second access point to the access point across the street. Mr. Neimayer measured it at approximately 160 ft.

Commissioner McGlothlin asked if the conditions can be made with the rezoning. Mr. Neimayer responded yes.

Vice Chairperson Stevenson noted she heard the Applicant say she wants the event venue due to the revenue.

Mrs. Roberge asked if Staff had heard anything from neighbors and if they were concerned about traffic. Mr. Neimayer responded staff has not heard from any neighbors.

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

Action Rezoning Case #Z-2017-04 ~ Property Owner: Allan Pohlman ~ Applicant: Gabrielle Dent ~ Location: 4690 S. Tecumseh Rd.; Mad River Twp. ~ to rezone 5.98 acres from A-1 to PD-M for a photography studio, a Bed & Breakfast, and an event venue

Motion by Commissioner Wilt, seconded by Commissioner McGlothlin, to recommend **Approval** conditioned that the following items be resolved before a Certificate of Zoning is issued: 1) compliance with floodplain regulations as applicable; 2) resolving site access issue with the County Engineer's Dept.; and 3) compliance with the county's stormwater management regulations.

Before the vote, the Board had further discussion on the drive access.

VOTE: Yes: Commissioner Wilt, Commissioner McGlothlin, Mrs. Roberge, Mr. Wallace, Mr. Scholl and Commissioner Lohnes.

No: None.

Abstain: Ms. Maurer

Motion carried.

Commissioner Lohnes advised the Applicant to have more information from the County Engineer's Dept. before the Rural Zoning Commission meeting scheduled for next week. The Applicant stated she would follow-up with them.

Zoning Text Amendment Case #ZA-2017-01 ~ Initiated by the Rural Zoning Commission regarding ~ Agricultural Use and Keeping of Animals: Chapter 2, Section A, Footnote 32; Chapter 2, Section B, Footnote 17; Chapter 8, Section H, 7; and Chapter 10 Definitions

Vice Chairperson Stevenson asked for the Staff Report.

Mrs. Jennifer Tuttle, Planner, updated the Board on how agricultural use and keeping of animals is defined according to the Ohio Revised Code. Mrs. Tuttle then reviewed the proposed zoning text amendments regarding agricultural use and the keeping of animals. She explained the proposed updates Chapter 2, Section A, 32; Chapter 2, Section B, 17; Chapter 8, Section H, 7, a) and b) and definitions in Chapter 10. Mrs. Tuttle reviewed the flow chart to show the criteria used when determining agricultural use. She explained that the Rural Zoning Commission had asked for more research on the keeping of animals because they felt the text was too restrictive on the one acre or less properties. Mrs. Tuttle showed slides of each township with the percentage of parcels within

subdivisions that would be affected. Mrs. Tuttle explained that she reached out to the local OSU Extension Office, but was referred to the Miami Cty. office. Mrs. Tuttle shared the information she had been given from the OSU Extension Office of Miami County.

Vice Chairperson Stevenson asked if the Board had questions for staff.

Vice Chairperson Stevenson asked if there was a maximum number of household pets allowed. Mrs. Tuttle responded no. She reviewed the agricultural use exemption process.

Vice Chairperson Stevenson asked if this only applied to subdivisions. Mrs. Tuttle responded yes, and included lot splits of 15 or more.

Mr. Neimayer told the Board that Patty House from the Clark County Extension Office wanted to speak about keeping of animals.

Patty House, The Ohio State University Extension Educator, 3130 E. Main St., discussed the importance of animals in 4-H Youth Development in Clark County. She stated she felt 4-H members are currently raising animals in subdivisions on lots under 1 acre without any issues. She felt small animals like chickens, rabbits and goats would be suitable on lots less than one acre.

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

Action Zoning Text Amendment Case #ZA-2017-01 ~ Initiated by the Rural Zoning Commission regarding ~ Agricultural Use and Keeping of Animals: Chapter 2, Section A, Footnote 32; Chapter 2, Section B, Footnote 17; Chapter 8, Section H, 7; and Chapter 10 Definitions

Motion by Mrs. Roberge, seconded by Mr. Wallace, to recommend to **Table** the proposed amendment allowing Staff to work with Patty House regarding language for lots of one acre and less.

VOTE: Yes: Mrs. Roberge, Mr. Wallace, Ms. Maurer, Mrs. Stevenson, Mr. Scholl, Commissioner Wilt and Commissioner McGlothlin.

No: None.

Motion carried.

Note: Commissioner Lohnes left the meeting before the vote.

Staff Comments

Mr. Neimayer told the Board there were two cases for the May 3, 2017 meeting.

Mr. Neimayer stressed the importance of responding to the emailed meeting notices to confirm a quorum for the meeting. After discussion, it was determined to email reminders on Mondays instead of Tuesdays.

Minutes

Clark County Planning Commission

Adjournment

Motion by Mrs. Roberge, seconded by Commissioner Wilt, to adjourn.

VOTE: Motion carried unanimously.

The meeting was adjourned at 3:40 pm.

Mrs. Elaine Stevenson, Vice Chairperson

Mr. Thomas A. Hale, Secretary