

Minutes

Clark County Planning Commission

Regular Meeting ~ 2:00 p.m.
Wednesday, June 7, 2017

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Chairperson Anderson of the Clark County Planning Commission called the meeting to order at 2:02 pm. and asked for the Roll Call.

Present For Roll Call: Ms. Jo Anderson, Commissioner Lohnes, Commissioner McGlothlin, Mr. David Minard, Ms. Louise Maurer, Mrs. Charlene Roberge, Mr. Mark Scholl, Mrs. Elaine Stevenson and Commissioner Wilt.

Absent For Roll Call: Mr. Don Wallace

Approval of the May 3, 2017 Minutes

Motion by Commissioner McGlothlin, seconded by Commissioner Wilt, to **Approve** the minutes as presented.

VOTE: Yes: Commissioner McGlothlin, Commissioner Wilt, Ms. Jo Anderson, Commissioner Lohnes, Mr. David Minard, Ms. Louise Maurer, Mrs. Charlene Roberge and Mr. Mark Scholl.

No: None.

Abstain: Mrs. Stevenson.

Motion carried.

Rezoning Case #Z-2017-07 ~ Property Owners: Anthony & Monica Zimmerman ~ Applicant: Jason Horowitz ~ Location: 5550 W. National Rd. (PID #010-06-00034402-014 and #010-06-00034-402-015); Bethel Township ~ Request: Rezone 2.0 acres from B-2 (Community Business District) and R-1 (Rural Residence District) to B-1 (Neighborhood Business District) for a new retail store.

Chairperson Anderson asked Mrs. Tuttle for the Staff Report.

Mrs. Jennifer Tuttle, Planner, stated the subject property is located at 5550 W. National Rd. and consists of 2.0 acres. She noted the subject property is comprised from the following parcel numbers: 010-06-00034-402-012; -014; -015; and -021. Mrs. Tuttle stated the property is currently zoned B-2 (Community Business District) and R-1 (Rural Residence District). The Applicant would like to rezone the subject property to B-1 (Neighborhood Business District) to redevelop the property for a new retail store. She explained the corner parcel 010-06-00034-402-015 has been zoned B-2 since November 3, 1962 when zoning was adopted for Bethel Twp.

The B-1 Neighborhood Business District's intent is to establish small, compact commercial areas at strategic locations near or adjacent to residential areas in order to provide land for retail, professional and personal service establishments where they can serve the day-to-day and occasional shopping needs of residents of the surrounding area. Mrs. Tuttle explained the CROSSROADS Land Use Plan identifies the area as Agriculture/Rural Residential, predominantly rural portions of the County. She explained that a portion of the area is located within the Tecumseh Heights Subdivision. The

Applicant would have to remove lot No. 1 and No. 14 from the Subdivision. She explained that the manufactured home park is serviced by an off-site “community” sanitary sewer system and the Applicant will need to verify with the Ohio EPA that this sewer system will be able to support the proposed retail development. Mrs. Tuttle explained that several of the existing manufactured home units cross over lot lines / zoning district lines, which is a nonconforming situation and pending rezoning approval, those units would be removed.

Staff recommends the Applicant’s request to rezone the subject property from B-2 (Community Business) and R-1 (Rural Residence District) to B-1 (Neighborhood Business District) to allow for a new retail store conditioned that before a zoning certificate is issued the following items are resolved: 1. Approval from the Ohio EPA that the proposed retail development can utilize the existing “community” sanitary sewer system; 2. Approval from the County Engineer’s Department for compliance with storm water Regulations; and 3. Subdivision re-plat, the Applicant must remove lots No. 1 and No. 14 from the Tecumseh Heights Subdivision.

Chairperson Anderson asked if the Board had questions for Mrs. Tuttle.

Mrs. Stevenson asked about land use behind the proposed retail site. Mrs. Tuttle reviewed the existing land uses.

Mrs. Stevenson asked about “community” sanitary sewer system. Mrs. Tuttle explained that the Applicant would need approval from the Ohio EPA for the development.

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

Action Rezoning Case #Z-2017-07~Property Owners: Anthony & Monica Zimmerman ~Applicant: Jason Horowitz~ Location: 5550 W. National Rd. (PID #010-06-00034402-014 and #010-06-00034-402-015); Bethel Township ~Request: Rezone 2.0 acres from B-2 (Community Business District) and R-1 (Rural Residence District) to B-1 (Neighborhood Business District) for a new retail store.

Motion by Mrs. Roberge, seconded by Commissioner McGlothin, to recommend **Approval** per Staff’s recommendation as presented.

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

No: None.

Motion carried.

Subdivision Case #SB-2017-01 ~ Property Owner/Applicant: Lewis Construction, Inc., Sam Lewis ~ Location: 0 Timbercross Ave., PID #180-10-00011-000-031, Mad River Township ~ Request: Final Plat approval of Section One, Phase 2A, The Bluffs at Hunters Glenn; 7 single-family lots and the extension of Timbercross Ave.

Chairperson Anderson asked Mr. Neimayer for the Staff Report.

Mr. Allan Neimayer, Senior Planner, stated the subject property is located at 0 Timbercross Ave, PID #180-10-00011-0000-031, consists of 4.53 acres and is zoned R-2. The Preliminary Plan for The Bluffs at Hunters Glenn was approved by the County Planning Commission on February 2, 2005. He

explained the Preliminary Plan was for 150 single-family lots over 100-plus acres. Mr. Neimayer stated the construction plans for the entire subdivision were reviewed and approved in 2005. Section 1, which involved 35 lots over 27-plus acres, was initially approved by the County Planning Commission on July 6, 2005. He stated the Applicant has since split Section 1 into smaller parts with Phase I having been recorded with two homes already built and four lots sold. He explained that the Applicant is now requesting Final Plat approval for Section One, Phase II-A, which consists of 7 single-family lots with an average lot size of 0.54 acres.

Timbercross Ave. would be extended along the frontage of those lots in Phase II along with the initial section of Timberidge Circle. Mr. Neimayer explained the subdivision is serviced with public water and sanitary sewer services. The County Engineer's Department has requested updated infrastructure cost information (see comment letter) for bonding purposes. He stated the Tax Map Office has requested some technical plat revisions, which have been provided to the Applicant's surveyor. Staff recommends the Final Plat for Section One, Phase II-A be approved as presented subject to the Applicant providing updated infrastructure cost information and the revisions to the final plat as noted by the Tax Map Office.

Chairperson Anderson asked if the Board had questions for Mr. Neimayer.

Mrs. Stevenson stated she knew some of the lots had been sold and some have houses in Phase 1. She asked to see the area of the next phase. Mr. Neimayer showed the current development on the map and then outlined the proposed area.

Commissioner McGlothlin asked if there were any lots remaining in Phase 1. Mr. Neimayer responded he believes there are.

Mrs. Roberge asked if there had been any complaints. Mr. Neimayer responded he had not heard of any complaints.

Ms. Maurer asked if the partial phase was due to cost. Mr. Neimayer responded he believes that is correct.

Mr. Sam Lewis, 7923 Kimmel St., explained that some of the lots in Phase 1 have been sold and a few houses have been built. He stated there are several lots not sold. He explained that he already has two lots sold in Phase 2 as the two buyers did not want any of the available lots in Phase 1. Mr. Lewis stated he believed he has sold 10 lots since opening the subdivision. He stated he felt the economy is getting better and believed sales were going to pick up. He noted that completing Phase 2 helps with the look as it wraps around and connects making it more desirable. Mr. Lewis noted utilities are already in place.

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

Action Subdivision Case #SB-2017-01 ~ Property Owner/Applicant: Lewis Construction, Inc.; Sam Lewis ~ Location: 0 Timbercross Ave., PID #180-10-00011-000-031, Mad River Township ~ Request: Final Plat approval of Section One, Phase 2A, The Bluffs at Hunters Glenn; 7 single-family lots and the extension of Timbercross Ave.

Motion by Mrs. Stevenson, seconded by Commissioner Wilt, to recommend **Approval** per Staff's recommendation as presented.

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

No: None.

Motion carried.

Cluster Lot Split Discussion

Mr. Neimayer explained the Cluster Lot split definition (Subdivision Regulations, Section 3.65) and explained the intent was to preserve farmland. He showed the Board various examples of cluster lot layouts. He informed the Board of the total number of cluster lots per township and noted that German Township no longer allows cluster lots. Mr. Neimayer invited George Degenhart, Planning/Zoning Director for German Township, to discuss why the township had already removed cluster lots as an option. Mr. Neimayer stated the Technical Review Committee has been reviewing cluster lot splits for some time discussing several issues associated with them. He reviewed the following planning issues: surrounding property owners are not notified, no consistency in determining yard areas, cluster lot owner combines lots thereby creating a non-conforming lot and sometimes resulting with split zoning. Mr. Neimayer stated that the process was not intended to split off existing homes, which raise concerns with county's Utilities and Engineering departments. Mr. Neimayer reviewed several cluster lot split cases and explained the issues involved.

Commissioner Lohnes asked why the Rebert Pike example would not meet zoning when combined. He asked if it could be one big lot through a variance. Mr. Neimayer responded yes and reviewed the variance process with the Board of Zoning Appeals.

Mrs. Stevenson asked about the lot combination if the separate parcels are gone once combined. Mr. Neimayer responded yes. Mrs. Stevenson then asked if it would be possible to re-cluster. Mr. Neimayer responded it would be possible.

Commissioner McGlothlin stated the real issue is if it cannot be a legal lot there would be a problem with lenders.

Chairperson Anderson stated it would not be a legal lot if combined after being a cluster lot, but it could be a standalone lot.

Mrs. Roberge stated she did not understand why someone would want to build and share a driveway. She asked what happens if one person does not have the money to pay for the upkeep.

Mrs. Stevenson stated that there were concerns when cluster lot splits were first discussed. She stated it was designed to save farmland and stop the lot splits facing the road and blocking farmland. She stated it has created lots of people with shared drives, which can recreate a mess.

Chairperson Anderson asked if the recommendation is to take out the cluster lot option, what would help preserve farmland.

Commissioner Wilt stated she believes there is more of an issue about access to farmland property. She stated cluster lots could have unattended consequences.

Mrs. Roberge clarified that the proposed option would to bring the request to the Board of Zoning Appeals and take it out of the subdivision regulations. She stated someone could still create these types of lots, but not through the current process. She also noted that she did not like the lot combination process.

John Burr, County Engineer, stated that Mr. Neimayer had touched on most of issues. Mr. Burr stated there are not enough rules for cluster lot splits and it has been twisted to fit needs. Mr. Burr suggested the Applicant apply for a variance. He stated one of the issues is the multi-use shared driveway. All four owners pay equaling into the agreement, but there is not an answer if one cannot pay. Mr. Burr stated he does not have a problem with the agreement, but what if the land is sold. He also noted that sometimes the multi-use drive is used for farm and residential. Mr. Burr noted that existing drives are an issue. He stated that the Engineer's office does not know the structure of drive and there needs to be minimum standards met. He stated his office cannot approve a drive without knowing what is currently there. The Variance process is a better way to go because each case is different.

Mrs. Roberge asked Mr. Burr if he was in favor of removing the cluster lots from the subdivision regulations. Mr. Burr responded yes and he noted the lot combination process needed to be cleaned up.

Mr. George Degenhart, German Township Planning/Zoning Director, stated the German Township had all of those experiences presented and more. He noted that safety forces could not get safely to one of the cluster lots. He noted there are no turnarounds for EMS equipment. Mr. Degenhart noted that the cluster lot split is a good idea, but there are so many issues. He stated if the township used the variance process it would have a better review. Mr. Degenhart stated one cluster lot went on prime farm ground.

Mrs. Stevenson asked how the German Township Trustees felt. Mr. Degenhart stated they helped adopt it and then removed it. He stated with the EMS problems, the Trustees were on Board to remove it. Mr. Degenhart stated the township needs to protect people. He stated the variance process is a better solution.

Tom Bleidorn, Clark County Utilities Department, stated cluster lots basically create private utilities. He used the Moorefield Township example. He stated staff could not require the back lots to tie into public utilities. He noted that the Utilities Department has invested a lot of money into the public utilities, but these lots would not be hooking in. He noted that a septic system is good for 20 to 30 years and another 20 years for the backup. He stated there are several homes that you can provide service to but can force them to connect to the public system. Mr. Bleidorn also noted that the requirement for separation of water and sewer lines is more than the 10 ft. separation required for the cluster lots. He stated the EPA requires more room separation.

Mrs. Stevenson stated the cost for residents to tap into public utilities can be huge. Mr. Bleidorn stated it is not as much as a new septic system.

Mrs. Stevenson stated she currently has a homeowner on Ballentine Pike that has to pay \$35,000 to tap into public utilities. She stated the cost is huge and many homeowners on private systems have not thought about it if their system should fail.

Mr. Burr stated it would be \$10,000 to \$15,000 for a new system. He stated it also gets complicated with who owns the lines. He stated it could be a city line requiring a DIA or annexation.

Mrs. Roberge stated it makes more sense for Board of Zoning Appeals to address cluster lots on a case by case basis.

Dean Fenton, Deputy Operations Maintenance with the County Engineer's Department, apologized to the Board for being part of the group that created cluster lot splits. He stated when the group wrote the regulations they did not foresee any of the issues being discussed today. He stated they did not catch those issues when drafting the regulations. The thought was to save farmland, noting that is why the AR Zoning Districts were created. Mr. Fenton stated he would like to get rid of cluster lot splits and have an Applicant follow the variance process.

Commissioner Wilt stated that the original cluster lot split goal was a good try. She stated she felt it really would not affect those that wanted to preserve farmland.

Rick Miller, Clark County Combined Health District, stated he wanted to back up Tom Bleidorn's comments. Mr. Miller stated that connecting to sanitary sewer is the best option and that the safest water source is municipal water. He noted that cluster lot splits prevent both due to the limited frontage requirements. It does not allow isolation distance between water and sewer. He said cluster lot splits are contrary to public health. He stated the process should be a more structure review through the Variance process.

Action on Cluster Lot Discussion.

Motion by Mrs. Roberge, seconded by Commissioner Wilt, that cluster lot splits as an option to a minor subdivision be removed from the Clark County Subdivision Regulations.

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

No: None.

Motion carried.

Mrs. Stevenson left at 3:08 p.m.

Staff Comments

Mr. Neimayer told the Board the next meeting would be held on July 5, 2017.

Board Comments

Mrs. Roberge updated the Board on House Bill 175. She told the Board that she talked to the Ohio Association of Realtors and House Bill 175 (to allow owners to keep small livestock on property) was not on their radar at this time.

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Adjournment

Motion by Commissioner Wilt, seconded by Commissioner McGlothin, to adjourn.

VOTE: Motion carried unanimously.

The meeting was adjourned at 3:11 pm.

Ms. Jo Anderson, Chairperson

Mr. Thomas A. Hale, Secretary