

# **Minutes**

## **CEDA Regional Planning Commission**

Regular Meeting ~ 4:00 pm.  
Thursday, October 4, 2018

Springview Government Center  
3130 East Main Street  
Springfield, Ohio 45505

Mr. Michael Hanlon, Chairperson of the CEDA Regional Planning Commission of Clark County Ohio, called the meeting to order at 4 p.m. and asked for the Roll Call.

Present For Roll Call: Mr. Michael Hanlon, Ms. Theresa Hartley, Mr. Dan Kelly, Mrs. Charlene Roberge, Mr. Dick Shaw and Mr. Charles Morris.

Absent For Roll Call: Ms. Kathryn Lewis-Campbell.

Chairperson Hanlon asked for a motion to approve the minutes.

### **Approval of Minutes: September 6, 2018**

Motion by Mr. Morris, seconded by Mr. Shaw, to **Approve** the minutes as presented.

**VOTE: Yes:** Mr. Morris, Mr. Shaw, Mr. Hanlon, Ms. Hartley, Mr. Kelly, and Mrs. Roberge.

**No:** None.

Motion carried.

**Case #CSB-2018-01 ~ Property Owners: Bechtle Avenue Properties, LTD, and Turtlecreek Flea Market, Inc. ~ Developer: DDC Management, LLC; Jonathan Bills ~ Location: Comprised of the following parcels in the City of Springfield: PIDs #305-07-00016-201-048; -002; -007; -038; and 305-07-00017-409-007 ~ Request: Preliminary Plan approval for Hunter's Grove Subdivision; 231 new residential lots, total acreage of 53.54 acres, property zoned RS-8 (Medium-Density Single-Family Residence District).**

Chairperson Hanlon asked for the staff report.

Steve Thompson, Planning & Zoning Administrator, City of Springfield, stated the preliminary subdivision Hunter's Grove will consist of 231 residential lots. The area consists of 53.54 acres of which 44.21 acres will be residential lots and 10.05 acres will be open space. The typical lot size will be 51 feet wide and 105 feet deep. There will be a 25 foot front yard setback, five foot side yard setback and 20 foot rear setback. The covenants and restrictions prevent lot splits or future subdivision of lots. The houses are restricted to single-family dwellings and limited to a maximum of two stories and have a minimum square footage per the covenants and restrictions. The property was rezoned from RM-12 to RS-8 by the City Commission. Each phase of the development will come back to the CEDA Board for approval.

Bryan Heck, Deputy City Manager, City of Springfield, explained that the developer was stuck in traffic due to an accident, but would be attending the meeting. He then explained the preliminary subdivision plat technical review was sent out to the city and county agencies to make sure it met the City's subdivision regulations. He read the following comments from the Tech Review:

### County Engineer

Comment: Does it follow County or City storm water regulations? Response: Plan follows City regulations.

Comment: Concern about storm water discharge from SE corner detention pond into county storm water system. Response: Final engineering (Phase 2) calculations to ensure proper storm water discharge.

Comment: Access point to Bird Road still shown - prefer to de-annex that piece, split it, and sell to adjoining property owners. They worry about future access point. Response: Developer's intent is to remove this piece from the site.

Comment: Will the access on RT 40 be signalized? Response: Based on traffic study, signal will not be required with a right in/right out.

Comment: Any future plans to have access to SR 41? Response: No plan to have access to SR 41

### Clark County Utilities

Comment: Confirmation that Maplewood sewer has adequate capacity. Response: Yes, Maplewood sewer has capacity for this development.

### City Engineer and Utilities

Comment: 1205.02(c)(5) - Plan does not show the proposed destination of storm water. Also, calculations for sizing of proposed drainage facilities are not provided. Response: Callout for storm water added. Detailed calculations to be provided with final engineering (Phase 2).

Comment: 1205.02(c)(6)(G) - Approximate location of buildings on unplatted land parcels for a distance of two hundred feet not shown. Response: Buildings on unplatted land parcels within 200 feet have been added to plan.

Comment: 1205.02(c)(6)(I) - Names and addresses of owners of property abutting the proposed subdivision is not complete. Response: All names and addresses of property owners abutting the subdivision have been updated and included in plan.

Comment: 1205.02(c)(6)(O) - Sizes of existing sanitary and storm sewers, water mains within the tract are not shown. Response: Sizing of existing sanitary, storm sewers and water mains have been added to plan.

Comment: 1205.02(c)(6)(S) - Location of proposed street poles and power supply not shown. Response: No street poles all utilities are underground. Note added for developer to work with Ohio Edison.

Comment: Does the Lift Station need to be on a separate parcel or within an easement? Response: Updated plan to show lift station on separate parcel.

Comment: Place water and sanitary line within the roadway? Currently water line is shown in the green strip between the curb and walk. If it stays in this location then no trees should be allowed in this area. Able to place the curb stop, curb box and meter pit between curb and sidewalk if water line is in the grass strip? If sanitary sewer stays in U/E easement area where are the gas and electric going to be placed? City utilities should be placed in pavement. Response: See exhibit A for recommended configuration. Developer requests that both dry utilities and sanitary sewer be placed

within a utility easement outside of the pavement. This configuration minimizes installation costs while reducing future maintenance costs, when compared to an under-pavement configuration (excavating yard vs. road).

Comment: Ok to have force main outside the road? I would say yes, but if sanitary sewer is placed in the road then does force main terminate where shown and gravity to MH in road? Response: See exhibit A for recommended configuration.

Comment: Make water line easement across Lots 66 & 67 wider? Currently 20 foot. Response: City confirmed in meeting that 20 foot easement is acceptable.

Comment: Storm sewer at rear & side of properties: Concern with fences and sheds when constructed. Should storm sewer be off-set from property line so fences will not be a problem? Could still have a problem with sheds. Is 20 foot wide easement wide enough? Make storm sewer behind properties and side yards private and have HOA responsible? Response: Storm Water facilities in noted areas to be made private and maintenance responsibility with HOA.

The following comments are not related to the Phase 1 Plan:

Comment: 1203.07 - What trees are being salvaged? Response: a tree survey has not been conducted at this time.

Comment: 1211.01(o) - Fiber optic conduit to be installed in the U/E easement? Response: Request deviation from use of fiber optic conduit. Phone and data lines to be installed by applicable utility company (ie. AT&T, Spectrum, etc.). Utility company to use discretion on preferred conduit.

Misc. Comment:

Comment: Need to submit to the City and ODOT a level 1 TIS for access off of US40. Response: Traffic study summary has been provided to City for review. Final TIS to be submitted to City and ODOT with final engineering plans (Phase 2 submittal).

General Comment (to be addressed with Phase 2 submittal):

Comment: Stormwater Basins as shown do not appear to meet City stormwater spec. Basins need to have a forebay and micropool. Response: Stormwater Basins are designed to be "wet" basins and therefore do not require a forebay or micropool. Detailed design and calculations to be provided with final engineering plans (Phase 2 submittal).

Comment: Need to have a pavement design based on geotech data to verify what is shown on the Title Sheet is adequate. Response: Geotech data shall be provided with final engineering plans (Phase 2 submittal).

Comment: Existing Utilities will need to be abandoned by either removal or filled with CDF. Response: Note has been added to Title Sheet.

Mr. Heck stated he understood the concerns about the developer changing course in the middle of the project. He stated the items like single family use only, lot splits not allowed, and a minimum sq. ft. on the dwelling were noted in the covenants and restrictions.

Mr. Morris asked if the wetlands were wet and if there were basements or just slabs. Mr. Heck responded the wetlands could be a grouping of trees where a habitat formed. He explained the area is not in the flood plain and that wetlands did not always mean wet.

Mr. Morris asked if the building setback was 5 ft. Mr. Heck responded it is the minimum in building code.

Mr. Morris expressed his concern about the ease of a fire and spreading with houses that close. Mrs. Roberge asked for the minimum square footage of the dwelling. Mr. Heck responded 1,000 sq. ft., but the average has been 1,800 to 2,000 sq. ft. He stated the plan does allow for a ranch style home.

Mr. Shaw asked if there would be fencing around the ponds. Mr. Heck responded fencing is not required around detention ponds. He stated it could be considered in final construction phase.

Mr. Kelly stated any standing water poses a safety concern for kids. He further explained there was not enough green space on the plan. He asked if the wetland areas were considered green space. Mr. Heck responded there will be playground equipment on the park parcel. He noted in Kingsgate Subdivision, it has an area that was not developed and is used for soccer fields for the subdivision.

Mr. Kelly asked for clarification as to a retention or detention pond. Mr. Heck responded it would be wet so it would be a retention pond.

Mrs. Roberge stated it would be difficult to market to families if there is one little space to play. Mr. Heck responded most of the City's subdivisions have smaller green space areas. Mrs. Roberge noted that those subdivisions have bigger lots in general.

Ms. Hartley asked if there was going to be a home owners association and fee. Mr. Heck responded yes.

Mr. Kelly stated he was concerned about the small amount of green space. Mr. Heck noted the developer had arrived and he could speak to the question.

Johnathan Bills, Developer, stated the open spaces would be deeded to the HOA. He stated the park is a planned green space. He said the others are not planned areas. Mr. Bills stated people will walk around the pond. He noted all standards would be followed. He noted that the retention pond would be built to specs. He noted there is a bench type area that stops anything from falling directly into the water.

Mrs. Roberge stated it was a lot of homes for one small park area. Mr. Bills responded it is designed to have one area. He stated he was evaluating another potential area.

Mr. Morris asked for clarification on which lot was the park space. Mr. Heck responded it was behind Lot 171. Mr. Bills stated it would be a tot lot playground area.

With no further questions for the Developer, Mr. Hanlon explained that he would be taking public comment and asked if anyone wanted to speak.

Tim Foley, Springfield Township Trustee, asked if the HOA would be responsible for taking care of the ponds and green space. Mr. Bills responded yes.

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Mr. Foley asked about the cost of the HOA. Mr. Bills responded somewhere between \$150 and \$225 a year.

Mr. Foley stated the CEDA Agreement puts the road maintenance responsibility on the township. He asked about sidewalks, curbs and gutters. Mr. Heck responded the City makes the homeowners responsible for sidewalks curbs and gutters.

Mr. Foley stated he was concerned about TIF to fund the project. Mr. Hanlon told Mr. Foley that was not relevant for the action in front of the CEDA Board.

Chairperson Hanlon asked if anyone else wished to speak.

Dr. Susan Page, Clark Shawnee School Board Member, stated the City is not paying for this project, but township residents are. Mr. Hanlon stated the TIF is not something the CEDA Board can address. Dr. Page stated she had public documents from the developer's projects in other communities that show the projects are not going as stated. She stated they even requested another TIF.

Mr. Hanlon asked if any members needed to abstain. Mr. Kelly abstained and removed himself from the Board.

Chairperson Hanlon asked if there were any others that wished to speak.

Mr. Dan Kelly, 255 S. Bird Rd., stated he moved to the county to have green space, not a house 20 ft. from his property line. He stated he is upset about the project and he hoped the developer followed thru with changes. Mr. Kelly stated he hoped the homes were built over the 1,000 sq. ft. minimum. He stated economics will dictate what gets built. He stated hopefully they (the developer) are good for their word. He stated he is an investor, and this TIF is an insurance policy. He stated he does not get that same privilege, especially 30 years at 100 percent. Mr. Kelly stated the development needed more green space. He stated he worries about the danger with the pond. He stated the developer would not fence it because it is not required.

Mrs. Roberge asked Mr. Neimayer if the CEDA Board has authority to ask for green space. Mr. Bills stated he would like to move forward with what is submitted because it meets code. Steve Thompson stated it meets the zoning code minimum. Mr. Neimayer responded the CEDA Board has the authority to make changes to the final plat.

Mr. Bills questioned Mr. Neimayer about the possibility of changes because after the preliminary it would be submitted in phases. Mr. Neimayer responded he felt the CEDA Board had the authority to make the changes. Mrs. Roberge told Mr. Bills the CEDA Board is trying to fix the lack of green space now with the preliminary.

Mr. Bills stated he felt it was unfair to say the green space is just one parcel. He stated it is also the area around the pond and wetlands. He stated other areas can be used. He stated in a community of this size, he has never put in two park areas.

Mr. Heck stated the wetland areas can be used. Mr. Bills further explained that the wetlands are labeled wetland due to plant type, soil or wildlife. He stated it does not mean it is wet, just cannot be disturbed. He explained the wetland areas are flat.

Mr. Shaw asked how people would get to the parcel with the long pond. Mr. Bills responded there would be an easement.

Mr. Kelly stated the pond is not green space and it is not safe for children.

Mr. Bills stated he lived in a subdivision with a pond and he likes to go fishing in the ponds with his children. He said there will be green space to mow and walk around the pond. He added that it is up to the parents to regulate their children.

Dr. Page asked what would happen if the houses do not sell. Mr. Bills responded he could not say for sure. He stated he could not do anything with the property except what zoning code allows. He stated there are restrictions. Mr. Heck stated the restrictions are listed in the covenants.

Dr. Page stated it would not stop someone from coming in and buying it. She asked who would pay the taxes. Mr. Bills stated he (the developer) pays the taxes. He stated there is no tax burden on anyone else but the property owner. He stated if the development is successful, the TIF comes in play.

With no further questions from the Board, Chairperson Hanlon asked for a motion.

**Action on Case #CSB-2018-01 ~ Property Owners: Bechtle Avenue Properties, LTD, and Turtlecreek Flea Market, Inc. ~ Developer: DDC Management, LLC; Jonathan Bills ~ Location: Comprised of the following parcels in the City of Springfield: PIDs #305-07-00016-201-048; -002; -007; -038; and 305-07-00017-409-007 ~ Request: Preliminary Plan approval for Hunter's Grove Subdivision; 231 new residential lots, total acreage of 53.54 acres, property zoned RS-8 (Medium-Density Single-Family Residence District).**

Motion by Mrs. Roberge, seconded by Mr. Shaw, to **Approve** the Applicant's request as presented.

**VOTE: Yes:** Mrs. Roberge, Mr. Shaw, Ms. Hartley and Mr. Morris.

**No:** None.

Motion carried.

Mr. Kelly rejoined the Board at 4:53 p.m.

**Case #S-2018-03 ~ Property Owners: Julius & Kim Jackson ~ Location: 2906 Ridge Rd.; Springfield Twp. ~ Request: Rezone 1.16 acres from B-1 (Neighborhood Business District) to (R-1 (Single-Family Residential District).**

Chairperson Hanlon asked for the staff report.

Mr. Neimayer, Senior Planner, explained the subject property is located at 2906 Ridge Rd., just south of Mitchell Rd. and consists of 1.16 acres. The property was rezoned to B-1 in 1971 for a business. However, for the past 30-plus years the property has been used as single-family residential. A recent car accident – a car ran off the road – has destroyed the home. Current township zoning regulations do not allow residential use in a B-1 district. Therefore, the Applicants are requesting to rezone the property to R-1 to rebuild a single-family home.

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Under Article 27, Section 2704.04, of the Springfield Township Zoning District /Zoning Regulations where a non-conforming use is damaged or destroyed by more than fifty (50) percent, “the use thereof shall thereafter conform to the regulations for the district in which it is located.” Mr. Neimayer explained the area centered around the intersection of Ridge Rd. and Mitchell Rd. consists of small single-family residential lots next to large agricultural lands. This area is identified in the CONNECT Clark County comprehensive plan as Suburban Living, Low Intensity for the existing single-family use along with the remaining area identified as rural/agricultural.

Mr. Neimayer stated the subject property is not located in a floodplain. There is a large floodplain area 1,500-plus ft. to the west associated with the North Fork Little Miami River. Staff recommends the Applicants request to rezone the subject property from B-1 to R-1 be approved as presented.

Mr. Allan Neimayer noted the Applicants were not present to answer questions.

With no questions from the Board, Chairperson Hanlon asked for a motion.

### **Action on Case #S-2018-03 ~ Property Owners: Julius & Kim Jackson ~ Location: 2906 Ridge Rd.; Springfield Twp. ~ Request: Rezone 1.16 acres from B-1 (Neighborhood Business District) to (R-1 (Single-Family Residential District)).**

Motion by Mrs. Roberge, seconded by Mr. Kelly, to **Approve** the Applicants request to rezone the subject property from B-1 to R-1 as presented.

**VOTE: Yes:** Mrs. Roberge, Mr. Kelly, Ms. Hartley, Mr. Shaw and Mr. Morris.

**No:** None.

Motion carried.

### **Staff Comments**

Mr. Neimayer announced the next scheduled meeting is as November 8 and December 6, 2018.

### **Adjournment**

Motion by Mr. Morris, seconded by Mr. Shaw, to adjourn.

**VOTE: Motion carried unanimously.**

The meeting was adjourned at 4:57 pm.

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Mr. Michael Hanlon, Chairperson

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Mr. Thomas A. Hale, Secretary