

# ***Minutes***

## ***Clark County Planning Commission***

Regular Meeting ~ 2:00 pm.  
Wednesday, September 7, 2022

Springview Government Center  
3130 East Main Street  
Springfield, Ohio 45503

Mark Scholl, Vice-Chairperson of the Clark County Planning Commission, called the meeting to order at 2:00 pm. and asked for the Roll Call.

Present For Roll Call: Commission Sasha Rittenhouse, Mr. Dave Stickney, Mr. Jay Kitchen, Ms. Kerri Brammer, Mr. Mark Scholl, Mr. Don Wallace, Mr. Sky Schelle, Commissioner Melanie Wilt and Commissioner Lowell McGlothlin.

Absent For Roll Call: Ms. Louise Maurer and Mrs. Jo Anderson.

Also in Attendance: Mr. Allan Neimayer, Mrs. Jennifer Tuttle and Mrs. Rachel Ricketts from Clark County Community and Economic Development.

### **Approval of the April 6, 2022 Minutes**

Motion by Mr. Wallace, seconded by Mr. Stickney, to **Approve** the minutes as presented.

**VOTE: Yes:** Mr. Wallace, Mr. Stickney, Mr. Kitchen, Mrs. Brammer, Mr. Scholl and Commissioner Wilt.

**No:** None.

**Abstain:** Commissioner Rittenhouse, Mr. Schelle and Commissioner McGlothlin.

***Motion carried.***

### **Approval of the August 3, 2022 Minutes**

Motion by Commissioner Wilt seconded by, Commissioner McGlothlin, to **Approve** the minutes as presented with the correction on page 3: change "FDA" to "USDA".

**VOTE: Yes:** Commissioner Wilt, Commissioner McGlothlin, Mr. Stickney, Mrs. Brammer, Mr. Scholl, Mr. Wallace and Mr. Schelle.

**No:** None.

**Abstain:** Commissioner Rittenhouse and Mr. Kitchen.

***Motion carried.***

Vice-Chairperson Scholl recused himself from Case #Z-2022-10 and Mr. Stickney stepped in as Acting Chairperson.

Acting Chairperson Stickney asked Staff to present the case.

**Rezoning Case #Z-2022-10 ~ Property Owner/Applicant: Rodz Bros Construction & Remodeling LLC ~ Location: 2783 S. Dayton-Lakeview Rd., Bethel Twp. ~ Request: to rezone PID # 010-05-00031-300-012 from B-3 to B-4 to allow for a self-storage development for boats and RV storage, plus office/shop for Rodz Bros Construction.**

Mr. Allan Neimayer, Senior Planner, stated that the subject property is located at 2783 S. Dayton-Lakeview Rd. (PID #010-05-00031-300-012) and consists of 5.1 acres. The property is currently zoned B-3 (General Business District). The Applicant would like to rezone the property to B-4 (Heavy Business District) for a self-storage development for boats and RV storage, plus office/shop for Rodz Bros Construction. Mr. Neimayer explained the nearest public water and sanitary sewer lines are located over 1,000 feet to the north at the intersection of S. Dayton-Lakeview Rd. and Dalton Dr. Mr. Neimayer stated pending rezoning approval the Applicant will need to get: a) ODOT approval for SR 235 access and roadside drainage; b) Clark County Engineer's Office approval for on-site stormwater management; and c) Combined Health District approval for on-site utilities. Mr. Neimayer stated Bethel Township Trustees would like the Applicant to provide a buffer along the north property line to screen the proposed development from the church property. Staff recommends the Applicant's request to rezone the subject property from B-3 to B-4 be approved as presented conditioned upon a landscaped buffer not less than five ft. in width of an evergreen hedge or dense planting of evergreen shrubs not less than four ft. in height.

Mr. Schelle asked is there a landscaping or screen requirement in code. Mr. Neimayer responded not unless the subject property is adjacent to a residential district or residential use.

Mr. Wallace asked about the buffer that was asked for by the Bethel Township Trustees. Mr. Neimayer explained fencing is another option but Staff recommends planting materials. Martin Rodriguez, Applicant, 2783 S. Dayton-Lakeview Rd., New Carlisle, OH. stated he has not heard about the buffer yet. Commissioner McGlothlin asked is the buffer something you would be willing to do. The Applicant responded it depends on the type of landscaping. Commissioner Wilt stated it says upon approval not less than four ft. The Applicant responded that should not be a problem. We plan to have fencing all the way around the property.

Commissioner McGlothlin stated we are all for the businesses. Applicant stated the buildings we are looking at are the pole barns. This will be for boat and RV storage.

Mr. Neimayer stated Virginia Hess is the property owner on the other side of S. Dayton-Lakeview Rd. and her property is zoned B-1 (Neighborhood Business District). Mrs. Hess called for clarification on the rezoning request. She had no concerns.

With no further questions, Acting Chairperson Stickney asked for a motion.

**Action on Rezoning Case #Z-2022-10 ~ Property Owner/Applicant: Rodz Bros Construction & Remodeling LLC ~ Location: 2783 S. Dayton-Lakeview Rd., Bethel Twp. ~ Request: to rezone PID # 010-05-00031-300-012 from B-3 to B-4 to allow for a self-storage development for boats and RV storage, plus office/shop for Rodz Bros Construction.**

Motion by Commissioner Wilt, seconded by Mr. Kitchen, to **Approve** the Applicant's rezoning request as presented conditioned upon a landscaped buffer not less than five ft. in width of an evergreen hedge or dense planting of evergreen shrubs not less than four ft. in height.

**VOTE: Yes:** Commissioner Wilt, Mr. Kitchen, Commissioner Rittenhouse, Mrs. Brammer, Mr. Wallace, Mr. Schelle and Commissioner McGlothlin.

**No:** None.

***Motion carried.***

Vice-Chairperson Scholl rejoined the Board and asked Staff to present the next case.

**Rezoning Case #Z-2022-09 ~ Comprehensive Zoning Map Amendment ~ Proposed Amendment: to rezone 1311 & 1249 Willow Rd. from R-4S to R-1, and to rezone properties on Willow Chase Dr. and Willow Gate Dr. from R-4S to R-2A in Moorefield Twp. to put existing single-family residential lots in the proper zoning district.**

Mr. Neimayer stated this comprehensive zoning map amendment, initiated by the Rural Zoning Commission, is to rezone 1311 & 1249 Willow Rd. from R-4S to R-1, and to rezone the existing properties on Willow Chase Dr. and Willow Gate Dr. from R-4S to R-2A in Moorefield Twp. to put existing single-family residential lots in the proper residential zoning district. Mr. Neimayer explained these two properties on Willow Rd. and the properties along Willow Chase Dr. and Willow Gate Dr. are currently zoned R-4S (Multiple-Family Residence District) but their actual land use is single-family residence, which is not a permitted use in the R-4 District. Therefore, all of these properties are non-conforming with zoning regulations with regards to land use.

Staff researched the rezoning history of this area of Willow Rd. and Willow Chase Dr./Willow Gate Dr. (late 1980s thru the 1990s) and did not find any rezoning case that put the subject properties into a proper single-family residence zoning district. This information was presented to the Rural Zoning Commission at their August 11, 2022 meeting at which time they passed a motion to initiate the comprehensive zoning map amendment process with the objective to rezone these properties to the proper single-family residence district. A detailed letter dated August 16, 2022 explaining this zoning matter was sent to the affected property owners. Property Owners at 1340 and 1346 Willow Chase Dr. called with questions, which Staff answered, on how this happened and would this rezoning raise their property tax.

Commissioner McGlothin asked about owners refinancing. Mr. Neimayer responded banks typically call about zoning whether rebuilding is allowed. Commissioner McGlothin then asked they could have issues reselling the house. Mr. Neimayer responded yes. Mr. Shelly asked about the 50% rule. Mr. Neimayer explained that if more than 50 percent of the property is destroyed it cannot be rebuilt. Commissioner Wilt stated if you house burned down you would have to build a condo.

Staff recommends the following: A) Rezoning 1311 & 1249 Willow Rd. from R-4S to R-1 (Rural Residence District); and B) Rezoning the existing 16 lots accessed from Willow Chase Dr. and the exiting 3 lots accessed from Willow Gate Dr. from R-4S to R-2A (Medium Density Single-Family Residence District).

Mr. Neimayer stated a complete list of the properties involved (owners, addresses and parcel numbers) is on file with the rezoning application #Z-2022-09.

With no questions for Staff, Vice-Chairperson Scholl asked for a motion.

**Action on Rezoning Case #Z-2022-09 ~ Comprehensive Zoning Map Amendment ~ Proposed Amendment: To rezone 1311 & 1249 Willow Rd. from R-4S to R-1, and to rezone properties on Willow Chase Dr. and Willow Gate Dr. from R-4S to R-2A in Moorefield Twp. To put existing single-family residential lots in the proper zoning district.**

Motion by Mr. Stickney, seconded by Commissioner Wilt, to ***Approve*** this comprehensive zoning map amendment as follows: A) Rezoning 1311 & 1249 Willow Rd. from R-4S to R-1 (Rural Residence District); and B) Rezoning the existing 16 lots accessed from Willow Chase Dr. and the exiting 3 lots accessed from Willow Gate Dr. from R-4S to R-2A (Medium Density Single-Family Residence District).

**VOTE: Yes:** Mr. Stickney, Commissioner Wilt, Commissioner Rittenhouse, Mr. Kitchen, Mrs. Brammer, Mr. Wallace, Mr. Schelle and Commissioner McGlothlin.

**No:** None.

***Motion carried.***

Vice-Chairperson Scholl asked Staff to present the next case.

**Rezoning Case #Z-2022-01 ~ Comprehensive Zoning Text Amendment ~ proposed Amendment: to add Section 102.03.031: “Fencing shall be provided per Section 805 or other approved methods as imposed by the Zoning Inspector”**

Mr. Neimayer stated this comprehensive zoning text amendment, initiated by the Rural Zoning Commission, is to add Section 102.03.031: “Fencing shall be provided per Section 805 or other approved methods as imposed by the Zoning Inspector”. Mr. Neimayer explained this language about the fencing has been in the county’s zoning regulations since 1996. In 2013, Staff was directed to change the term ‘zoning inspector’ to ‘zoning administrator’. In 2020 it was changed back to ‘zoning inspector’ per direction from the County Prosecutor’s Office who identified that in the Ohio Revised Code the term used is ‘zoning inspector’. As part of the 2020 comprehensive zoning text amendments, this fencing language was to be moved to under Section 102.03. However, in the final version of the 2020 text amendments, this language was left out in error and was just recently discovered. Staff recommends approval of the proposed text amendment: adding Section 102.03.031: “Fencing shall be provided per Section 805 or other approved methods as imposed by the Zoning Inspector”.

With no questions, Vice-Chairperson Scholl asked for a motion.

**Action on Rezoning Case #Z-2022-01 ~ Comprehensive Zoning Text Amendment ~ proposed Amendment: to add Section 102.03.031: “Fencing shall be provided per Section 805 or other approved methods as imposed by the Zoning Inspector”.**

Motion by Commissioner Wilt, seconded by Commissioner Rittenhouse, to **Approve** the comprehensive zoning text amendment as presented.

**VOTE: Yes:** Commissioner Wilt, Commissioner Rittenhouse, Mr. Kitchen, Mrs. Brammer, Mr. Stickney, Mr. Wallace, Mr. Schelle and Commissioner McGlothlin.

**No:** None.

***Motion carried.***

**Review on Solar Panel Systems (Wind & Solar) SB52 and Proposed HB 450.**

SB52 – Large Solar Farms (50 megawatts and greater).

Proposed HB 450 – Community Solar Project of 10 or less megawatts (2021-2022 General Assembly Session).

Under ORC Section 4905.65 Local regulation restricting construction, location, or use of public utility facility.

- (B) To the extent permitted by existing law a local regulation may reasonably restrict the construction, location, or use of a public utility facility, unless the public utility facility:
- (1) Is necessary for the service, convenience, or welfare of the public served by the public utility in one or more political subdivisions other than the political subdivision adopting the local regulation.

Mr. Neimayer stated per Section 907.01.01 a Zoning Certificate is required for any building or structure, or any land use – unless an agricultural use exemption has been approved, or otherwise exempt under ORC.

Staff has had some inquiries on what our zoning regulations are on community solar development. Currently, there is nothing specifically on community solar development. Sections 808.09.02, 808.09.03 and 808.09.06 was reviewed and asked for input with regards to solar developments of less than 50 megawatts.

Discussion followed on setbacks from side and rear lot lines; front setback if no primary structure; maximum lot coverage; requiring a perimeter buffer when adjacent to any R zoned property or property with an existing residential use; and area drainage systems and drainage tiles.

Mr. Neimayer stated the Clark County Township Association is holding their quarterly meeting on Thursday September 22, 2022 at Windy Knoll. Dale Arnold, Director of Energy Policy for the Ohio Farm Bureau Federation will be the guest speaker. He will be speaking on wind and solar farms and what local zoning regulations can and cannot do.

Mr. Schelle asked how the property being looked at is currently zoned. Mr. Neimayer responded it is currently zoned A-1 with substantial floodplain. Mr. Schelle then asked what is permitted in the A-1 District. Mr. Neimayer responded agricultural, single family residential, churches and schools, and there is a list of conditional uses depending upon the size.

Commissioner Wilt stated it seems like neighbors would have the same concerns of big installations, just on a different scale. To the neighbors in those zoned areas it is going to feel big. Mrs. Tuttle stated there is one site that they are exploring. It is two parcels with a total of 60 acres.

Mr. Schelle explained in Miami County outside of Piqua there was a 70 acre farm converted to solar. There were two residential properties on both sides. They did not require drainage, but they did require a lot of screening as well as setbacks. Mrs. Tuttle asked if they required planting and fencing. Mr. Schelle responded yes.

Mr. Neimayer referenced Clinton County where they established a tier system for said developments. The idea is that large scale developments (50 megawatts and larger) would be handled by the state whereas smaller scale developments would be regulated under local zoning.

Vice-Chairperson Scholl asked how many other counties been dealing with this. Mrs. Tuttle responded several have and are contemplating whether local zoning has authority or not. We are trying to come up with the best language. Vice-Chairperson Scholl stated it seems to me it would be good if these utility companies did not have to comply with different regulations based on what county the development located in. Commissioner McGlothin stated so you will talk to other counties and what the consensus is from them. Mrs. Tuttle responded yes and with guidance from Mr. Arnold.

Mr. Schelle asked in the meantime what happens with utility companies coming forward with a plan. Mr. Neimayer responded Staff will apply current Section 808.09 as applicable.

### **Staff Comments**

Next scheduled meetings: October 5 and November 2, 2022.

### **Adjournment**

Motion by Commissioner McGlothin, seconded by Mr. Stickney, to **Adjourn**.

**VOTE: Motion carried unanimously.**

The meeting was adjourned at 2:45 pm.

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Mr. Mark Scholl, Vice-Chairperson