

# ***Minutes***

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

Regular Meeting ~ 2:00 pm.  
Wednesday, February 1, 2023

Springview Government Center  
3130 East Main Street  
Springfield, Ohio 45503

Ms. Jo Anderson, Acting 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: Commissioner Melanie Wilt, Mrs. Jo Anderson, Mr. Dave Stickney, Mr. Jay Kitchen, Mr. Sky Schelle, Mr. Don Wallace, Commissioner Lowell McGlothin and Commissioner Sasha Rittenhouse

Absent For Roll Call: Ms. Louise Maurer, Mr. Mark Scholl and Ms. Keri Brammer

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

Motion by Commissioner McGlothin, seconded by Commissioner Wilt, to **excuse** absent Board Members.

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

**No:** None

***Motion carried.***

Chairperson Anderson noted the approval of the November 2, 2022, minutes were being differed to the next month's meeting.

Chairperson Anderson asked Staff to present the case.

**Rezoning Case #Z-2023-01 ~ Property Owner/Applicant: Barry McCombs ~ Location: 7485 E National Rd., Harmony Twp. ~ Request: to rezone 7.91 acres from R-2 (Single Family Residence) to MU-1 (Mixed Use Low Intensity) for an existing single-family residence and new commercial truck repair shop**

Mrs. Jennifer Tuttle, Senior Planner, stated that the subject property is located at 7485 E National Rd and consists of 7.91 acres. The property is zoned R-2 (Low Density Residence). The Applicant would like to rezone the property to MU-1 (Mixed Use Low Intensity District) for a Single Family Residence and to construct a 60 ft. by 80 ft. pole barn for a commercial truck repair shop.

Mrs. Tuttle explained the Mixed Use District was created in 2020 to allow more flexibility than the Planned Districts. Mrs. Tuttle stated the off street parking and signage will need to be looked at. She noted signage is limited to wall signs and monument signs, excluding electronic display signs, in accordance with regulations in Chapter 6.

Mrs. Tuttle stated the Connect Clark County Land Use Plan shows the subject property is Suburban Living, Low Intensity. She noted there was flood plain to the west, but not on the subject parcel.

Mrs. Tuttle explained the proposed site plan and various access points. She stated the access is on to a US Highway.

Mrs. Tuttle explained the proposed access and the letter from ODOT stating that East bound 40 drive access is acceptable in its current configuration, no changes or modifications will be required, but Mr. Clark stated that in the future it could be reevaluated if business expands. Mrs. Tuttle explained the Engineer's comments stating the site plan and storm water management report addressing the storm water regulations was required by a professional engineer. Mrs. Tuttle explained Soil and Water commented on the poorly drained soils in the area, and if it disturbs more than 1 acre the construction permit would be required based on the EPA.

Staff recommends the Applicants request to rezone the subject property from R-2 (Single Family Low Density Residence) to MU-1 (Mixed Use Low Intensity) be approved with the Specific Use of a Single Family Residence and a Commercial Truck repair shop only subject to the following:

- 1) No future structures for the Commercial Truck repair shop.
- 2) No outside storage.
- 3) Approval from the Clark County Combined Health District for on-site water and sanitary sewers, if required.
4. Approval from the County Engineer's office for stormwater.

Commissioner McGlothlin asked if anyone has commented on this project. Mrs. Tuttle answered no comments from neighbors.

Mr. Schelle asked why this wouldn't require a Variance. Mrs. Tuttle explained it is zoned residential so a business would not be permitted. It needs to go through a rezoning for a use that's in another district. It's not a home occupation. She stated the County does not allow Use Variances. Mr. Schelle states it seems to me it does not fit in the uses of MU-1 low intensity. Mrs. Tuttle explained the options for the applicant would be a Mixed Use or a Planned District. The Planned District locks them in with a site plan. A rezoning is required to allow for the Commercial and Residential on the same parcel.

Mr. McGlothlin asked what type of truck repair. Mrs. Tuttle answered, the applicant stated it would be semis. Commissioner McGlothlin asked about outside storage. Mrs. Tuttle answered that is staff's recommendation.

Mr. Schelle asked about the MU-1 District and read the definition and asked how it fits in the MU-1. Mrs. Tuttle explained, the B use is the commercial truck use and the R use is the single family residential. Those are the 2 uses being proposed for the Mixed Use, both fit. She noted the structure is not as close to the road as we would prefer based on the MU-1 text.

Mrs. Tuttle explained another case with the Mixed Use Zoning. Without the Mixed Use zoning the Commercial Truck use would not be allowed on this property.

Commissioner McGlothlin asked what staff recommends. Mrs. Tuttle explained that Staff recommends the MU-1 with the specific conditions, no further structures, no outside storage of the vehicles, onsite sewer and water if it's required and the County Engineer for storm water and County Engineer for stormwater.

Chairperson Anderson asked if the Applicant would like to address the Board.

Applicant, Barry McCombs, 7485 E National Rd, came to the podium to answer questions from the Board.

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## **Clark County Planning Commission**

Commissioner McGlothlin asked how many acres the Applicant owns in this area. Mr. McCombs answered 7.91 acres. Commissioner McGlothlin asked how many vehicles they plan to have at one time. Mr. McCombs answered it would just be me and my son working there.

Commissioner Wilt asked what type of building since no outside storage was stated on here. Mr. McCombs answered it will be a 60 ft. by 80 ft. pole barn. It's big enough for a couple bays and inside storage.

Commissioner McGlothlin asked if they would be working on the trailers or the cabs. Mr. McCombs answered, just the cabs, and we have a mobile service for the trailers. Commissioner McGlothlin asked if he had been in the business for long. Mr. McCombs answered about 10 years and my son has been in it for about 3 years.

With no further discussion Chairperson Anderson asked for a motion.

**Action on Rezoning Case #Z-2023-01 ~ Property Owner/Applicant: Barry McCombs ~ Location: 7485 E National Rd., Harmony Twp. ~ Request: to rezone 7.91 acres from R-1 (Single Family Residence) to MU-1 (Mixed Use Low Intensity) for an existing single-family residence and new commercial truck repair shop**

Motion by Commissioner McGlothlin, seconded by Mr. Wallace, to **Approve** with the conditions by staff.

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

**No:** Mr. Schelle

***Motion carried.***

Commissioner Wilt added comments on the MU-1 District, stating that the proposed mixed used development makes more sense than the Planned Use District for the area it is in.

Chairperson Anderson asked Staff to present the next case.

**Subdivision Case #SB-2023-01 ~ Property Owner/Developer: Lewis Construction, Inc. ~ Surveyor/Engineer: Luis G. Riancho & Assoc. Inc. ~ Engineer: Professional Assoc. Inc., M.L. Oxner ~ Location: end of Bluffs Blvd., PID #180-10-00011-000-035; Mad River Twp. ~ Request: Preliminary and Final Plat Subdivision Plat approval Section 2, 15 single family lots**

Mrs. Jennifer Tuttle stated that the subject property is located at end of Bluff Blvd. and consists of 9.0525 acres. The property is zoned R-2. The Preliminary approval of The Bluffs at Hunters Glenn Subdivision was given by the Clark County Planning Commission on February 2, 2005. That Preliminary Plan was for 150 single-family lots over 100-plus acres. The construction plans for the entire subdivision were reviewed and approved in 2005. On July 3, 2007 a time extension was approved for Section 1 for 90 days. On October 3, 2007 a time extension for section 1 was approved until September 7, 2013. On June 6, 2012 an amended Preliminary plan and an amended Final Plat for Section 1 (removed 7.44 acres) was approved. On July 10, 2013 an amendment was made to Section 1 to allow 2 phases and a time extension was approved until July 10, 2014. On September 3, 2014 a time extension was approved for Section 1 until September 7, 2015. On July 4, 2017 the Final Plan was approved for Section II-A, 7 lots. On October 7, 2020 the Final Plan for Section II-B, 9 lots was approved.

Mrs. Tuttle stated The Bluffs at Hunters Glenn Subdivision is Zoned R-2 with 12,000 sq. ft. lot size minimum and a minimum of 80 ft. of frontage. All 15 lots meet the Zoning requirement. There were several editorial items noted on the plat and submitted back to the Developer for corrections. Addresses will need to be included on the final plat.

Mrs. Tuttle stated the Applicant filed for Final Approval for Section 2. The submittal was complete; therefore, Staff distributed plans to TRC and Township Trustees. Public notices were sent. After notification, Staff discovered the submittal should have included a Preliminary per Par. 3.213 Time Limit -A preliminary map shall be submitted for examination or re-approval if the time limit between approval of the preliminary map and the final map of the entire tract exceeds five (5) years. The Applicant was notified. The Applicant is now requesting a Preliminary Map re-approval of Section 2 and Final Plat approval for Section 2, which consists of 15 single-family lots with an average lot size of 0.52 acres. Bluff Blvd. would be extended with four new lots fronting Bluff Blvd. and the creation of 11 lots on Rocky Lane. Staff received the amended application on January 24 and Preliminary Map on January 25, 2023.

Mrs. Tuttle noted The Bluffs at Hunters Glenn Subdivision is serviced with public water and sanitary sewer services. The Clark County Utilities Department has reviewed the Bluffs at Hunter Glenn, Section Two plan set consisting of fifteen (15) plan sheets labeled Contract No. 20/7/2-2 prepared by Professional Associates Inc. Based on our review, we recommend that the Section Two plans be approved by the Commission as they relate to utilities at this time contingent upon the applicant submitting an updated project construction cost estimate that more accurately reflects 2023 pricing for water and sewer construction and obtaining Ohio EPA approvals for the proposed sewer and water systems

Mrs. Tuttle noted The Clark County Tax Map Office Received 01/30/2023. Pre-approved. Editorial items marked and submitted to Developer. Note: There are offsite storm sewer system & detention basin easements that have to be in place in the name of the Clark County Commissioners before this plat can be recorded.

Mrs. Tuttle noted The Clark County Engineer's comments are included in the Meeting Packet.

Mrs. Tuttle explained the residents' comments and are also included in the Meeting Packet.

Staff's Recommendation is to Table the case until the submittal is in proper order for Planning Commission action. As noted by the Clark County Engineer's office, they are still reviewing the plans and expect further comments. Staff also recommends a special Technical Review Committee meeting with the Applicant, if needed.

Mrs. Anderson asked if the case is tabled if it would it come back to the Board after the Technical review has been completed. Mrs. Tuttle answered yes. She noted that Mr. Tom Bender, County Engineer's Office, is here and can comment in case there is new information I am not aware of. If Tabled, it would have to come back to the Board for the next meeting.

Mr. Tom Bender, Clark County Engineers office, stated he received additional information. As a whole this is in good shape. Storm water is the biggest concern that I have right now, we want to do a thorough job on how they convey that water. They are attempting to meet County Storm Water Regulations. He noted on Section 1 we had a contract with them to complete Section 1 by December 31. The developer has been working with us and I have no doubt he will complete that section but unfortunately we let that contract run out. He stated we need to get it back under contract. We do

have assurance, the County Engineer could go in and take his assurance and complete it ourselves, but we wouldn't want to do that. We prefer to work with Mr. Lewis and continue the process and get it done properly. It's important we get the contract done, I would make that a contingency of approval. There are offsite easements that need acquired still. They are on his property, but off the Plat for the storm water and that's a pretty significant item. We do not want to Plat this property and then have the remainder sold and have this entire storm sewer going to a pond that is now on someone else's property without easements on them. The County will need to put that on maintenance, so we have a maintenance agreement we need to get in place Mr. Lewis. We will work with him and his Engineer but those are all conditions that could have been done at this point.

Mr. Schelle asked if there was a letter from the property owner about the discrepancy on lot sizes in Section 2. He stated the lots are significantly smaller than Section 1. Mrs. Tuttle explained, they are within zoning so they can make them that size as long as they meet the zoning requirements regarding frontage and total lot size which all of them meet that. She noted Section 1 average size about .54 and these are a little bit smaller, but it does meet zoning. Mr. Schelle asked, if it was approved in 2005 and as long as any plan changes conform to the zoning code, it does not impact the approval. Mrs. Tuttle answered that was correct. She noted the lots appeared to be the same as what was approved in 2005.

Commissioner McGlothlin asked if Staff is recommending to Table this for the conditions that Mr. Bender were stating. Mrs. Tuttle answered that is correct, Staff felt there were too many things still pending on the Engineer's side.

Hearing no further questions for Staff, Chairperson Anderson opened the public portion of the hearing at 2:32 p.m. and asked if the Applicant would like to speak.

Applicant, Luis Riancho, Luis G. Riancho & Assoc. Inc., 140 W Wenger Rd. Englewood, Ohio was sworn in. Mr. Riancho stated I am the surveyor and I am doing the final record plan and Mike Oxner is doing the engineering part and he is working with the County Engineer to get that part done. The original project was done by Mr. Valdez who has sense passed away. We have not changed the configuration of the lots or sizes. Everything is the same if there are any changes it would be on infrastructure that the engineer would like to see done. The Record plan has been reviewed but we can't do anything until everything is finalized by the engineer. This cannot go forward until that time.

Mr. McGlothlin asked how long it would be before they could get together with the Engineers. Mr. Riancho answered they could get it done in a few weeks. Commissioner McGlothlin clarified the statement that the original lot size has not changed. Mr. Riancho stated that is correct everything is exactly the same.

Chairperson Anderson asked if anyone wanted to speak in favor of the request.

Joe Lewis, Lewis Construction, 7052 Dayton Rd. was sworn in. Mr. Lewis explained this is a continuation of something that has been going on for years and we aren't making any changes.

Commissioner McGlothlin asked if he was part of the group working on this project. Mr. Lewis answered yes.

Gerald Shaw, 5779 Enon Xenia Rd., was sworn in. Mr. Shaw stated he moved the property in front of the Bluffs in 2012 to manage the farm for Hillside Creek Farm on Stein Road. He stated I've known Sam Lewis most of my life, graduated with his daughter. I've helped Sam out a lot. It's great to see

development going in, he was a visionary to what he built in the community, and I think housing developments are needed for this area.

Charles Stratton, 5477 Enon Xenia Rd., was sworn in. Mr. Stratton explained I've worked with Mr. Lewis and I support this project, but our land surrounds this development. Our concern is the foot traffic into our woods. We would like a buffer in between my woods and the development.

Chairperson Anderson asked if anyone wished to speak in opposition of the request. Hearing none she closed the public portion of the hearing 2:41 p.m. and asked for discussion.

Commissioner McGlothlin asked about the 3 letters in opposition. Mrs. Tuttle answered the letters are in the meeting packet. She noted the concerns were with the covenants and restrictions which we don't get involved with. She noted another concern was traffic.

Commissioner Wilt stated those concerns have been addressed through the planning and the transparency of the plan from back in 2005. Anyone that purchased in Phase 1 was well aware that there would be additional homes being built and what those lot sizes and traffic would be. I do not have any concerns related to that.

Mr. Schelle asked if there is something that triggers a traffic study. Mrs. Tuttle explained yes there is. She stated this wouldn't; the traffic study would have been done back in 2005. There is nothing that I can think of that would trigger it now. Mr. Schelle asked if a traffic study would be a normal part of the process. Mrs. Tuttle explained it is part of a new subdivision process.

Commissioner Wilt adds this (Section) is back in the development, so the entrance has already been evaluated. Mrs. Tuttle answered yes.

Hearing no further discussion, Chairperson Anderson asked for a motion

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Motion by Mr. Stickney, seconded by Commissioner McGlothlin, to **Table** until the next scheduled meeting

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

**No:** None.

***Motion carried.***

### **Solar**

Mrs. Jennifer Tuttle explained, she wanted to introduce that on January 5, 2023, Governor DeWine signed the substitute HB 501 on small solar facilities subject to local regulation. It allows a board of county commissioners, a board of township trustees, (or the board of zoning appeals for a county or township), and the legislative authority of a municipal corporation, to regulate the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any small wind farm or small solar facility, whether publicly or privately owned, or the use of land for that purpose.

"Small wind farm" means wind turbines and associated facilities that are not subject to the jurisdiction of the power siting board under sections 4906.20 and 4906.201 of the Revised Code. (2) "Small solar facility" means solar panels and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty megawatts.

Mr. Stickney asked how many acres that would represent. Mrs. Tuttle states it can be as little as 20 acres and sometimes its 60 acres. She noted you can get some small solar farms on 20 to 60 acres.

Commissioner Wilt asked if this deal with the under 5 Mega Watts which was the home installations. Mrs. Tuttle answered this has nothing to do with home installations and this is just for the solar facility. Mrs. Tuttle stated this is the in-between that we didn't have any guidance on and now we have it. Commissioner Wilt stated these are the ones that concern me the most because of the ease at which they could pop up.

Mr. Stickney added in Madison County there are several hundred acres already committed. Commissioner Wilt explained those are the ones that are 50 Mega Watts that we discussed before.

### **Staff Comments**

Next scheduled meetings: March 1 and April 5, 2023

### **Adjournment**

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

**VOTE: Motion carried unanimously.**

The meeting was adjourned at 2:48 p.m.

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Mrs. Jo Anderson, Acting Chairperson