

Minutes

Clark County Rural Zoning Commission

Regular Meeting ~ 9:00 am
Thursday, June 9, 2022

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Ken Brust, Chairperson of the Clark County Rural Zoning Commission, called the meeting to order at 9:00 pm. and asked for the Roll Call.

Present For Roll Call: Mr. Ken Brust, Mr. Wayne Leis, Mr. Matt Taylor, Mr. Bob Jurick and Mr. Larry Spahr.

Absent For Roll Call: Mr. Pete Lane.

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

Approval of the May 12, 2022 Minutes

Motion by Mr. Leis, seconded by, Mr. Jurick, to **Approve** the minutes as presented.

VOTE: Yes: Mr. Leis, Mr. Jurick, Mr. Brust, Mr. Taylor and Mr. Spahr.

No: None

Motion Carried.

Chairperson Brust explained how the meeting will be held.

Motion to Remove Case #Z-2022-06 from the Table

Motion by Mr. Spahr, seconded by Mr. Jurick, to remove Case #Z-2022-06 from the **Table**.

VOTE: Yes: Mr. Jurick, Mr. Leis, Mr. Taylor and Mr. Spahr.

No: None.

Motion Carried.

Chairperson Brust asked Staff to present first case.

Rezoning Case #Z-2022-06 ~ Property Owner: Premier Property Sales Ltd. ~ Applicant: Clay Chester ~ Location: 4266 Moorefield Rd., Moorefield Twp. ~ Request: rezone from R-2A to R-4 (Multiple Family Residence District) to re-develop the property into an apartment development.

Mr. Allan Neimayer, Senior Planner stated that the Applicant Clay Chester has formally withdrawn his application.

Motion to Remove Case #Z-2022-05 from the Table

Motion by Mr. Jurick, seconded by Mr. Leis to remove Case #Z-2022-05 from the **Table**.

VOTE: Yes: Mr. Lane, Mr. Jurick, Mr. Brust, Mr. Leis, Mr. Taylor and Mr. Spahr

No: None

Motion Carried.

Chairperson Brust asked Staff to present the next case.

Minutes

Clark County Rural Zoning Commission

Rezoning Case #Z-2022-05 ~ Property Owner: Evans Family Ranch ~ Applicant: Chad Watkins ~ Location: 571 Milton-Carlisle Rd., Bethel Twp. ~ Request: rezone from A-1 to B-2 (Community Business District) to convert two existing buildings for a wedding venue and auto repair shop with continued agricultural uses.

Mr. Neimayer gave a summary of the case. The subject property is located at 571 Milton-Carlisle Rd. and consists of 93.74 acres. The property is currently zoned A-1 (Agricultural District). The Applicant would like to convert two existing buildings for commercial use: 1) an existing barn into a wedding venue; and 2) an existing building into a 4-bay auto repair shop. To accommodate these two uses, the Applicant has filed this request to rezone the property from A-1 to B-2 (Community Business District). The majority of the property will continue to be used for agricultural uses. Rezoning the property to B-2 would have no impact on continued agricultural uses as the property is over 5.0 acres and per Ohio law, agricultural use is therefore exempt from local zoning regulations.

At the Board's direction at their May 12, 2022, Mr. Neimayer did meet with the Applicant and Owner to look at the possibility of splitting off a new parcel consisting of the proposed event center and auto repair facility. Mr. Neimayer reviewed several concerns as to why not to create a new parcel. You would not want to create a land locked parcel. It is bad land-use practice and it would require a variance due to a lack of frontage. If we were to do that, it could set a precedence with other properties in the county. If this property had frontage on a public roadway, it would create yet another parcel on the shared access. The clustered lots and shared access did not turn out well.

Mr. Jurick stated we take farmland and rezone it even though it is still used as agriculture. We are losing a lot of agricultural land. With farmland preservation and the Clean Ohio Fund, there is scoring involved and zoning can play a factor. This could have some unintended consequences. I agree there are other problems to be solved; another parcel with another access. I can see how that is a problem. There is surely some solution out there for the farming and rezoning. Mr. Neimayer, in response to the grant programs and scoring, state law [states] if you have 5 acres or greater, agriculture is a permitted use regardless of how a property is zoned. There are properties that are not zoned as agriculture but are used for agricultural purpose. Mr. Jurick stated that he knows about the 5 acres, but not everyone does use it for agricultural purposes. There is a lot of good land here, so there must be a solution to not rezone it. With the proposed uses being such a small part of the parcel he is using for business, I do not know what those other solutions could be, but there has to be something out there to solve this issue. Mr. Neimayer stated we are talking about existing buildings, not construction of new buildings. I think that should be taken into account here. The Specific Use designation will limit that. We made it very clear with the Applicant that if any other use were to come up in the future, they would have to go through the same rezoning process.

Chairperson Brust stated, although the rest of the acreage would not be affected, the part you are concerned with is it being used for other purposes. Mr. Neimayer deferred to the Applicant.

Chairperson Brust asked who will maintain the private lane. The issues you laid out on the slide are critical enough that no matter where you look at on the property that is where the issues are. Mr. Neimayer explained that as one big parcel the storm water and utilities can be properly addressed. I believe the Applicant is looking into using the existing utilities systems on the property, which is fine as long as they do not cross onto a different parcel. The health department prefers to keep utilities on the same parcel. Mrs. Tuttle stated there could be some other scenarios where there could be some frontage, but that would require variances because it cannot meet everything. Mrs. Tuttle drew out a possible new parcel for the Board to see. There would still be variances for setback issues, parking on another parcel, storm water and utilities.

Minutes

Clark County Rural Zoning Commission

Mr. Spahr asked are we talking about the entire 93.74 acres? What is the size of the circle there? Mr. Neimayer explained the 93.74 acres is the entire parcel whereas the circle is the specific area of the proposed new businesses. Mr. Neimayer explained as stated in the Staff Report only the two identified buildings could be used for event center and auto repair facility respectively while the remainder of the property would continue to be used for agriculture. Chairperson Brust clarified if they wanted to change anything for a different use, they would need to come back.

Mr. Neimayer stated, I have given you all information on the shared access, but to summarize, Lots A and B are two separate parcels that share that same access point. We have multiple property owners using that shared access. In the deed of transfer from Gerald and Velma Studebaker to William and Carroll Studebaker in 1968, it states that the drive is open to freely use to access Milton-Carlisle Rd. Every deed after that makes reference to the 1968 deed including the shared access. Mr. Neimayer recommended an updated ingress/egress easement that identifies the parcels involved be prepared and recorded. Chairperson Brust asked have we established who owns the shared access? Mr. Neimayer responded the 1968 deed established the shared drive is on a separate parcel (#015-05-00028-108-010) now owned by Evans Family Ranch LLC. Mr. Spahr asked who owns the red parcel. Mr. Neimayer responded that is the Shanahan's parcel.

Mr. Neimayer stated, doing my due diligence here, there are other access points available, and the Applicant is here and can comment. Mr. Leis clarified there is another access to the right and it is owned by the Evans. Mr. Leis asked if they were to use that lane, would they be able to use that acreage as frontage. Mr. Neimayer explained it would require a lot split.

Chairperson Brust asked about emergency vehicles and public access. Mr. Neimayer stated that they will have to make sure the shared access is wide enough for emergency vehicles.

Hearing no further questions for Staff, Chairperson Brust opened the public portion of the meeting at 9:30 am. and asked if the Applicant would like to speak.

Chad Watkins, Applicant, 10201 New Carlisle Pike, was sworn in. Mr. Watkins stated that he is only looking to change three to four acres of the 93 acres on the property. We plan for this entrance to be used for the business, but all other access points will be used for agriculture. This helps with the traffic and reducing the amount of semi-trucks going in and out. That entrance will be for the business side while the other access points will be for agriculture use. Mr. Watkins explained I spoke with Megan Davis from the Health District. We plan to use the existing septic system because there is nowhere to put another septic system on three acres of land. We will maintain the shared access, or redo it with gravel and potentially asphalt in the future.

Mr. Spahr asked what is the distance of the shared access. The Applicant explained that from Milton-Carlisle Rd. to the property it is about 300 to 500 ft. Chairperson Brust clarified the extent of the commercial property will be limited use. The Applicant confirmed, yes. Chairperson Brust stated, there were concerns about it becoming another Young's Dairy. The Applicant stated that he wanted to keep this mostly agriculture-focused.

With no further questions for the Applicant, Chairperson Brust asked if there was anyone else in favor of the rezoning request and would like to speak. Hearing none, he then asked if anyone was in opposition of the rezoning request that would like to speak.

Felix Shanahan, 1111 Milton Carlisle Rd., was sworn in. Mr. Shanahan stated, I do not want to be redundant, and I appreciate the Board putting a hold on this, but some other things have been apparent in that short period of time. This is evidence of an evolving thing. I think there will be some developments. I know about the haunted houses and pumpkin patches to promote ag-tourism, which

should be a good thing. It is ag-tourism, but it is all business. In a short period of time, we have had weddings across the street and parties that go on until midnight with DJs. I feel less agreeable with the shared lane. I want to be a good neighbor, but I do not think this is being considerate to my right of my own property. I have a feeling we will cater to their request. We will just have to see if the (County) Commission is really what they say they are and that is pro-ag. I hope there is future conversation of access that is more considerate. We will maintain it too. I can already see what this will look like. I am asking the Board to do that hard work and figure it out for the future of this county.

Chairperson Brust asked if there was anyone else from the audience who would like to speak in opposition to this request. Hearing none, he gave the Applicant has a chance for rebuttal.

Mr. Watkins, Applicant, stated we want to be good neighbors. If we need to put in the contract for the driveway to be maintained every week, please be reassured we will do it. Regarding the noise, it is on the other side. The pumpkin patch is on a different parcel. On July 9th we will be hosting an event to give back to the community. We are only growing vegetables, not building haunted houses. That is our intentions and the plan.

Chairperson Brust asked how do you address the concern regarding the event center being used late. The Applicant responded the events will be inside the barn. If we need to plant trees as a sound barrier we can do that. I know it takes time for those to grow. We can plant bushes on the side to deflect noise. The Applicant added we bought 1,600 acres and we are trying to use as much of that land for agricultural use. For the situations where we cannot, we are trying to use them instead of leaving them to deteriorate.

Chairperson Brust stated looking down the road as the County develops, you are quite assured that everything that is agricultural, outside of those three acres, will remain agricultural. The Applicant responded yes, one hundred percent.

Chairperson Brust asked what about limiting the hours. The Applicant responded for weddings how do you know what is a fair time. I do not know. It can be loud, but indoor events will have walls for a barrier. Chairperson Brust then asked about moving events indoors for the future. The Applicant explained that there is not enough room, so no.

Mrs. Tuttle introduced a new possibility on a lot split. It would check most of the boxes, but it is just a possibility to throw out there.

Chairperson Brust stated I still have some concerns about the noise and noise pollution. There has to be some limits such as cutting the music volume in half. The Applicant responded we can do that, cutting the music down by half at 11:30 pm. Or you have to go by midnight, we can do that. The Applicant added we do have security, an off duty sheriff deputy that will keep things under control.

Mr. Taylor asked about the lot across the street. That property is going to be surrounded by businesses and an event center, and that would be my concern. Everything that surrounds that property would be going from agriculture to business use. Mrs. Tuttle clarified ag tourism.

Mr. Spahr stated you have an event center on the parcel, so why do you want to do the same thing on this side. The Applicant responded it is not really an event center, but more so a wedding barn. Chairperson Brust asked it would handle the reception. The Applicant responded yes.

Chairperson Brust asked would you be open to the new configuration of the rezoning request. The Applicant responded we are open to that. Mrs. Tuttle added the sharing of the access will still remain. Onsite utilities should be on that area. You will not need a conditional use for overflow parking.

Minutes

Clark County Rural Zoning Commission

Mr. Spahr asked should we Table this until he gets the survey and gets things more solidified. Chairperson Brust stated something recorded on the shared access should happen.

Chairperson Brust closed the public portion of the hearing at 10:06 am and asked for a motion.

Action on Rezoning Case #Z-2022-05 ~ Property Owner: Evans Family Ranch ~ Applicant: Chad Watkins ~ Location: 571 Milton-Carlisle Rd., Bethel Twp. ~ Request: rezone from A-1 to B-2 (Community Business District) to convert two existing buildings for a wedding venue and auto repair shop with continued agricultural uses.

Motion by Mr. Spahr, seconded by Mr. Jurick, to **Table** to the July 14, 2022 regular meeting for reconfirmation of the lot.

VOTE: Yes: Mr. Lane, Mr. Jurick, Mr. Brust, Mr. Leis, Mr. Taylor and Mr. Spahr.

No: None.

Motion Carried.

Staff Comments

Next scheduled meetings: July 14 and August 11, 2022.

Adjournment

Motion by Mr. Leis, seconded by Mr. Taylor, to **Adjourn.**

VOTE: Motion carried unanimously.

The meeting was adjourned at 10:09 am.

Mr. Ken Brust, Chairperson