

Minutes

Clark County Planning Commission

Regular Meeting ~ 2:00 pm.
Wednesday, October 4, 2023

Springview Government Center
3130 East Main Street
Springfield, Ohio 45503

Ms. Louise Maurer, Chairperson of the Clark County Planning Commission, called the meeting to order at 2:00 p.m. and asked for the Roll Call.

Present For Roll Call: Chairperson Maurer, Ms. Anderson, Mr. Stickney, Mr. Kitchen, Ms. Brammer, Mr. Schelle, Mr. Scholl, Mr. Wallace, Commissioner Wilt, Commissioner McGlothlin, Commissioner Rittenhouse.

Absent For Roll Call: None.

Also in Attendance: Ms. Gabrielle Thornton, Mrs. Rachel Ricketts, Mr. J. Alex Dietz, and Mrs. Stephanie Dunlap from Clark County Community and Economic Development.

Approval of the September 6, 2023 Minutes

Motion by Mr. Stickney seconded by Commissioner Rittenhouse to **approve** the minutes with corrections.

VOTE: Yes: Mr. Stickney, Commissioner Rittenhouse, Chairperson Maurer, Ms. Anderson, Mr. Schelle, Mr. Scholl, Commissioner McGlothlin.

No: None.

Motion carried.

Chairperson Maurer asked Staff to present the case.

Case #Z-2023-06 ~ Property Owner/ Applicant: Ronnie Spencer ~ Location:261 & 266 Andrews Ln.; Bethel Twp.; ~ Request: To rezone 0.66 acres from R-1 (Rural Residence District) to PD-R (Planned Development District- Residential) for two (2) swellings on the same parcel for future sale.

Mrs. Ricketts stated that the subject property is located at 261 and 266 Andrews Lane in Bethel Township. The subject property consists of 0.66 acres. The property is zoned R-1 (Rural Residence District). The applicant would like to rezone to a PD-R (Planned Development District, Residential) to allow two (2) dwellings on the same parcel for a future sale. The CONNECT Land Use Plan identifies this area as Suburban Living, Low Intensity: Uses include single-family residential and two-family residential. There is no floodplain in the immediate area of the subject property. Andrews Lane is a local road with a right-of-way of 50 feet.

Mrs. Ricketts mentions that 261 and 266 are on the same side of the street.

Mrs. Ricketts stated that the proposed zoning is compatible with the existing land use pattern with no adverse impacts on surrounding properties or the neighborhood. It would not have an unreasonable impact on the surrounding community. Therefore, Staff recommends the applicant request to rezone 0.66 acres from an R-1 to a PD-R for two (2) existing SF dwellings on one parcel for a future sale be approved, subject to the following conditions: Approval from the Clark County Combined Health District.

The Technical Review Committee met on September 14, 2023. The engineer's office mentioned the drainage is relatively flat and their only concern was the onsite utilities, and they referred the applicant to the Clark County Combined Health District. Elizabeth, the director of Environmental Health, is approving their septic system as it is onsite, but when it goes out, they will be required to follow current standards. The applicant knows he cannot split the lot, and the septic system will be used for both lots, so the lots will have to stay together.

Mr. Schelle asked what the PD-R classification means and whether that opens the parcel up to development that neighbors will find objectionable.

Mrs. Ricketts stated that the planned development is residential. She also answers no; this will lock him into the proposed plans. The original two dwellings that were submitted by his planner will now be his planned development. She mentions that she asked the applicant if he was planning on adding anything, like sheds or outbuildings, so they knew ahead of time to add them to the plans. Even if he wants to add a shed, he would have to come back through the rezoning process and get approved. Everything he does from here on out will need approval.

Mr. Schelle mentions he has concerns about whether or not they have plans to put in a second driveway.

Mrs. Ricketts mentions, to her knowledge, that they aren't putting in a second driveway, and that is the impression they gave to the engineer's office as well.

Commissioner Wilt asked if both dwellings are on the same septic.

Mrs. Ricketts confirms.

Commissioner McGlothlin explains where this area is.

There was a brief pause for technical issues.

Commissioner McGlothlin asks how staff feels about this.

Mrs. Ricketts mentions that staff is recommending approval. They feel as if this is not going to alter the neighborhood or have any adverse effects. They are recommending approval with the Health Department's approval, which seems like he has already received.

Commissioner McGlothlin asks if the properties can't split, they are going to have to put in a new septic.

Mrs. Ricketts answers that if they split, they are going to have to put in another septic. The plan is not to split for now.

Commissioner McGlothlin confirmed that the applicant's daughter lives in one, and they are renting the other one out.

Mrs. Ricketts confirms.

Commissioner McGlothlin mentions there is a barn on the property. He then asked if they converted that into a house.

Mrs. Ricketts mentions that it seems like they converted the garage. They converted the original garage into a dwelling prior to zoning in the 1950s.

Mr. Schelle asked if they would even be allowed to split with the structures being so close and if there would be a setback that couldn't be met.

Mrs. Ricketts stated she would have to look into it further, but she is sure there would be variances from it being split and is not sure they have the frontage to split as they would need 150 feet.

Chairperson Maurer asked if there had been any objections from any of the neighbors. She mentions that it is pretty straight-forward and doesn't change anything.

Mrs. Ricketts mentions there are not any objections yet, but notifications for this have not gone out yet. They haven't gone out for the public hearing; those will go out at a later date. The public, at this point in time, does not know about it.

Hearing no further discussion, Chairperson Maurer asked for a motion.

Action on Case #Z-2023-06 ~ Property Owner/ Applicant: Ronnie Spencer ~ Location:261 & 266 Andrews Ln.; Bethel Twp.; ~ Request: To rezone 0.66 acres from R-1 (Rural Residence District) to PD-R (Planned Development District- Residential) for two (2) swellings on the same parcel for future sale

Motion by Mr. Schelle, seconded by Commissioner McGlothin to **approve** as presented with the approval from the Clark County Combined Health District.

VOTE: Yes: Mr. Schelle, Commissioner McGlothin, Mr. Stickney, Commissioner Rittenhouse, Ms. Anderson, Mr. Scholl, Commissioner Wilt, Mr. Wallace, Ms. Brammer, Mr. Kitchen

No: None.

Motion carried.

Staff Comments

Mrs. Ricketts announced that the next meeting is scheduled for November 1, 2023.

Mr. Scholl mentioned he would not be attending the next meeting.

Mrs. Greta Sprague, 176 S. Buena Vista Rd., came in and spoke. Mrs. Sprague mentions that, based on a previous rezoning request from New Housing Ohio, she and her husband believe there may be oversights in zoning. A prior rezoning case was trying to convert a property in that area at Buena Vista and 40 to R-4; it is currently PD-M.

Mrs. Sprague stated that in Chapter 2, Section 205 states that it requires public sewer or water for three, four, or multi-family in R-4 zoning districts, but conditionally permitted uses, like a group care home, within R-4 zoning districts seem to be excluded from the same requirement. Their concern is that since there isn't a plan for public sewer and water to be brought to that area, they are asking for an amendment in the regulations to also include group homes in Chapter 2, Section 205, to say "no public sewer or water required for three, four, or multi-family dwellings and conditionally permitted uses with R-4 zoning districts with six or more unrelated full-time residences." The reason they came

to that number 6 is because, based on Madison County zoning regulations, they quantify 6. Based on Franklin County zoning regulations, they define adult care facilities and group homes as 6–16 persons, according to Ohio Revised Code 3722. She mentions that their point is that the applicant was expecting 16 residents on this property, so in theory, a three-family unit can have less than 16 residents, yet it requires public sewage and public water. There seems to be, from their perspective, a discrepancy.

Commissioner Wilt mentions that conditional use is essentially a differentiation from the zoning code. There are conditions in which exceptions are made for zoning just by the nature of what the planning board and the zoning boards do. They have those conditional uses, which are the only way they can differ from that. She apologizes and mentions she had COVID during the last meeting but has looked into it deeply. She is curious: when they changed the zoning for this parcel back in the spring from R-1 to PD-M, did the PD-M require public water and sewer?

Mrs. Ricketts mentions she doesn't believe so.

Commissioner Wilt mentions they had already changed it to something that was consistent with the water and sewer there, and she knows this application has been withdrawn, but this is more of a text code update that they could do. It is interesting that Mrs. Sprague mentioned Madison County because it has always been her understanding that Madison County does not have zoning.

Mrs. Sprague mentions that she had called Madison County before the case had been withdrawn. To get an unbiased office opinion and that this is not her expertise. The person that she spoke with had the stance that it seemed very inappropriate to have a group home in an agricultural setting like that and said that he didn't think it would ever get approval, and even if it did, it wouldn't get BZA approval just because of the lack of septic and water.

Commissioner Wilt mentions Madison County does not have zoning; she doesn't know if Mrs. Sprague spoke with someone in planning, but they do not have a zoning code, like they do in Clark County. In Madison County, it is very open in terms of property rights for development. She mentions that Madison County would not be a good example, but Franklin County would be. Also, the area there is not A-1; it is R-1 for the most part.

Mrs. Sprague mentions she thinks it is both.

Commissioner Wilt mentions that some of the area is agricultural, but the housing areas are residential.

Mrs. Sprague confirms. She mentions their concerns that if that area were zoned R-4, it would forever stay on that property. Even if the applicants were to sell the property, which opens it up to being a multi-family dwelling that should require public sewage and water, then it would probably be grandfathered in because it would be an already existing R-4. Also, in their opinion, it could set the precedent for other properties in the area being zoned to R-4 as "well, you approved this residence to be changed; why now are you denying my residence to be changed?"

Commissioner McGlothlin mentioned he is confused. He asked if she was here representing them or if she was living in a neighborhood close to here as a resident with concerns.

Mrs. Sprague mentions she is a neighbor. As a resident, she is trying to protect their community from being developed into other R-4 properties.

Commissioner McGlothlin mentioned there aren't any R-4-zoned areas there currently, but he is trying to protect them from future situations.

Mrs. Sprague mentions not even for herself in all of this, but she thinks there is an inconsistency there with having conditional use for a group home, not for just that property at 8518 E. National Rd. but for Clark County in general. When looking at other counties that have it specified out, either specifically with a certain number of residents or in other ways, counties have their zoning regulations clearly define things. In their opinion, this appeared to be a little bit of inconsistency with Clark County zoning. They are hoping to get an amendment.

Chairperson Maurer mentioned their board did recommend that it be approved, but only that the Clark County Combined Health District grant approval.

Mrs. Sprague mentions that, from her understanding, the Clark County Combined Health District was going to allow it to be on a private septic system and not require it to be on a public sewer at that location.

Ms. Anderson mentions she would tend to agree with Mrs. Sprague because there are not any plans to put public water and sewage out there. The health department was only going as far as to say they could use that existing system until it failed. She mentions that she asked a few important questions during the hearing and spoke with the applicant afterwards because she wasn't convinced that the applicant had a good sense of what a modern septic system was to replace and bring up to standards. In a septic system, that would require a footprint on three acres. The more she thought about it, the less she liked the idea of a large, intensive use in that location.

Mrs. Sprague mentions they even went so far in the Rural Zoning Commission meeting to say, "Well, we will have the septic tank pumped once a month if we need to."

Ms. Anderson mentions that's where she felt there was a disconnect because there is also a leech field to consider and the ability for a leech field to function properly, which may be exhausted after the 1970s and 50 years of use. There are a lot of little nuanced things that they did not get to in the meeting last month, but there were concerns. She mentions that she thinks there should be public sewers and water required for more intensive uses like this.

Mrs. Sprague mentions they thought it would be helpful if they came up with recommendations, but it is up to the board and other professional people. She mentions that as their main point. Someone could have 16 people on a private septic, but if they were trying to put in a three-unit family home, that would not be allowed. In theory, less than 16 people could be living in a three-family home. There could be three single people living there. It just seems inconsistent.

Commissioner Wilt mentions she lives around that area as well, and that is such an unusual property. It is going to be hard to find a single family or even a couple of families that want to live there. It is just an odd, giant, massive property. It is a good example of why there are opportunities for conditional uses. Because sometimes there is just something that is unusual, and someone has to be creative to find a use for it. That is not going to end up being the use because it has been withdrawn, but there might be other ideas that come through that this would just completely eliminate. She mentions that what she does not want to see happen in the neighborhood is a big vacant monstrosity that, in ten years, the Community Development Department has to tear down. It is a beautiful, historic home. I am in favor of having conditional uses at points in time for things like a nonprofit, which is a better exemption than something like a private hospital or something like that. Just a different way of looking at it.

Mrs. Sprague mentions she agrees with the conditional use of offering flexibility, but looking at Section 205, other conditional uses are daycares, day centers, or community facilities. That is why, in their

recommendation, it was six or more unrelated full-time residents. They are not trying to stop those conditional uses; they are just saying that if they have full-time residents living there, the extra quantity of waste is an issue in a rural community.

Commissioner McGlothlin mentions he thinks they have had that same problem well over 40 years ago. The main thoroughfare put a lot of older motels along 40 that have dwellings all over the place that are still being rented out. He is sure there is the same problem with them: having a septic tank go out because they don't have public water and sewer. He mentions he has about three or four he can think of.

Mrs. Sprague mentions she is not familiar with that and asks if they had issues.

Commissioner McGlothlin answered that he is sure they have all been grandfathered in, but they have not asked for anything at this point.

Mrs. Sprague mentions mobile parks, for example, needing onsite water treatment. That is another example that she thinks confirms their need to quantify the number of residents allowed in that group care home to make sure that if they are going to have up to 16 people there, everyone else has to live up to these standards, including mobile home parks. Why should that get an exemption?

Commissioner McGlothlin mentions that she agrees with her. He mentions that he passed it to go in front of the other board so that people could voice their frustrations.

Mrs. Sprague mentions that it got her and her husband more involved with their community. It has been a good thing in that sense. She mentions that she moved away and came back. It is nice to get involved, and it has made her feel like getting more involved in the community. Commissioner McGlothlin mentions good things for her.

Mrs. Sprague asked if the board had any other questions for her.

Mr. Scholl mentions that he thinks it is good that she is continuing to fight because it would have been easy to not since they took the request off the table because they could resubmit it down the road. He also thinks it is a good idea to work that into the code somewhere because that system is not adequate to handle 16 additional showers, kitchen waste, and all that. He thinks they should have that requirement for public sewer and water for something solely that size.

Mrs. Sprague mentions she is not trying to pick on this particular property. That case brought to her awareness that maybe it needs to be looked at because it seems to be an oversight, in their opinion.

Mr. Stickney mentions the situation should be an overall view of the whole county from the zoning department, as if there is conflict there that needs to be looked at and organized and discussed instead of one particular issue on this side of the county and not paying attention to everybody else.

Mrs. Sprague mentions they did try to think about how it would impact the entire county.

Commissioner Wilt mentions that there is a reason that the three county commissioners sit on the planning commission as well because they see a lot of the other issues that take place that are not planning or zoning-related. They might be things like: Clark County does not have places for people with mental health conditions to live and recover. There is a gap because 20 years ago, the state of Ohio kicked everybody out of their institutions and closed them up. Now there is this need, and somebody is trying to fulfill it by doing things this way with a conditional use, which does not match up

as Mrs. Sprague is saying and does not fulfill the need. There is a bigger picture outside of the planning commission, and that is why it comes to the commissioners as the final say, but they have to take a step back from there and look at what the community needs as a whole. Especially those that do not have the opportunities everybody else has for housing. They need to find the right places for that, and that is an issue they need to solve. They are not going to solve it there or in that one location. It has made her realize how important it is to pass their mental health levy and have good discussion about this so they do not end up in this place again.

Ms. Sprague mentions she agrees with the need for mental health facilities, but she thinks zoning and mental health are separate issues.

Commissioner Wilt mentions that their community as a whole is what the county commissioners look at. This is not the zoning commission; this is the planning commission. They just do not do zoning here; they look at the needs of the community in a planned way. The Board of County Commissioners looks at the needs of the community as a whole and how funds should be spent to solve those needs. She understands they are separate issues, but they do intersect. And they both need to be solved. Sometimes they overlap and have competing interests.

Commissioner McGlothlin thanked Mrs. Sprague for getting involved.

Adjournment

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

VOTE: Motion carried unanimously.

The meeting was adjourned at 2:34 p.m.

Ms. Louise Maurer, Chairperson