

Minutes

Central CEDA Regional Planning Commission

Regular Meeting ~ 4:00 pm.
Thursday, September 5, 2013

Springview Government Center
3130 East Main Street
Springfield, OH 45505

Mr. Gene Barnett, Chairperson of the Central CEDA Regional Planning Commission of Clark County Ohio, calls the meeting to order at 4:00 pm.

Present: Mr. Gene Barnett, Mrs. Kim Marshall, Mr. Michael Hanlon, Mr. Michael Spradlin, Mrs. Charlene Roberge, and Mr. James Smith.

Absent: Mr. Dan Kelly.

Minutes

Chairperson Barnett asks if there are any comments regarding the minutes. Hearing none, he asks for a motion to approve the minutes.

RPC: 9-10-2013: Minutes ~ March 14, 2013 (Special Meeting)

Motion by Mr. Hanlon, seconded by Mrs. Marshall to approve the minutes as presented.

VOTE: Motion carried unanimously.

S-2013-02: Rezoning Case ~ Tom Owens ~ 14.39 acres ~ Located at 925 Upper Valley Pike ~ Springfield Township ~ R-1 to B-3

Mr. Neimayer, Senior Planner presents the case and states that the proposed uses would be auto and RV sales. He introduces the proposed site plan for the property. There have been other zoning changes in the past of properties close that have changed from Residential to Business.

Surrounding Land Uses and Zoning

	<u>Land Use</u>	<u>Zoning</u>
North	Business	B-3
South	Residential	R-1
East	undeveloped	City CC-2
West	Residential	R-1

Development Standards

As part of the original zoning map (December 1964) for Springfield Township, the subject property, and surrounding area, has been zoned R-1 (Single-family Residential District). The Applicant would like to rezone the subject property from R-1 to B-3 (General Business District). The proposed uses are auto and RV sales.

The subject property consists of 14.39 acres. The B-3 development standards are:

Min. Lot Size	Min. Frontage	Min. Setbacks (in ft.)		
		Front	Side	Rear
15,000 sq. ft.	90 ft.	25	(E)	(G)

- (E) None required unless adjoining a Residential District, then shall not less than 15 ft. on each side, or ¼ the sum of the height and depth of the structure, whichever is greater.
- (G) None required unless adjoining a Residential District, then shall not be less than ¼ the sum of the height and width of the structure, but in no case shall be less than 20 ft. If use is to be serviced from the rear, a yard shall be provided not less than 4 ft. deep.

The submitted site plan shows an existing building on the north side of the property plus two new buildings: 80 ft. by 120 ft. (9,600 sq. ft.) to be constructed in Phase 1 and 80 ft. by 120 ft. (9,600 sq. ft.) to be constructed in Phase 2. The Phase 2 building will include an additional 40 ft. by 60 ft. (2,400 sq. ft.) showroom. No time line was provided for the phasing of these buildings. Also, there is no explanation provided for the 1,300+ foot retaining wall.

The Engineer's report indicated the eastern most part of property is flat and the western part has fairly steep slopes. The steep slopes could make future development difficult. Also, about half of property is in a floodplain area. Included in that is the area phase 2 of the plan proposes a large parking area. There is concern about adding more pavement to an area that already has drainage issues. Also, the township does not allow commercial development in floodplain areas.

The report from Clark Soil & Water water shows three different kinds of soil on the property. The soil has one or more features that are unfavorable for the specified use.

Mr. Neimayer stated it might be more appropriate to take a smaller portion of the property to rezone and leave the rest like it is.

The rezoning request is not supported by the CROSSROADS Land Use Plan and the proposed use in the floodplain is not permitted by the townships zoning regulations. There are also concerns that development could cause negative impacts. For these reasons, Staff recommends that the Applicant's request to rezone the subject property from R-1 to B-3 to be denied.

Mr. Neimayer asks if there are any questions from the staff report.

Chairperson Barnett asks what is meant that the springs will have to be dealt with.

Mr. Neimayer responds that was a comment from Soil & Water. The ponds could be removed. The springs would have to be addressed in the site plan.

Mr. Smith comments he agrees that possibly the property could be split. This would avoid the part of property with natural concerns.

Mr. Neimayer states that when they have the meeting with the township and the public hearings begin there will probably be concern of the residents in this area.

Chairperson Barnett states he does not think that residents would be happy with that much additional asphalt and RV's and cars.

Mrs. Roberge asks if the surrounding residents have been notified yet.

Mr. Neimayer stated yes. The residents would have been notified about the Township Zoning Board meeting and the Township Trustees.

Mr. Smith asks if he knows how much is actually going to be black top.

Mr. Neimayer responds that it is unclear in drawings.

Mrs. Marshall asks why the property was zoned R-1 if Par 3 was there. That was a commercial business.

Mr. Briner stated a Mr. Carson owned for 30 years. The property was then sold to Mr. Schumaker who lost the property and it went into receivership. The bank then sold the property to Mr. Owens. He claims they told him he could do any type of commercial enterprise. Mr. Briner stated that is not true. Mr. Owens then started selling cars. It was suggested by Mr. Briner that the applicant also divide property and only develop the part that would be approved. The Applicant/owner still has a lot of issues to be resolved.

Mrs. Marshall asks what is the right usage for that piece of land? If not rezoned could only a single family home be built there.

Mr. Briner responds yes that is correct.

Mrs. Marshall then states that if zoned commercial would that not be better for the school district as it would bring in additional revenue.

Mr. Briner cannot answer what is right or wrong. Best option is to rezone part of property and compromise. The northern part of property could be developed. It would be very problematic to deal with rezoning whole property.

Mrs. Roberge comments if they did what proposed here that could cause a nightmare to some of the residential homes to the south. Even if properties did not flood in the past could possibly have flooding.

Mr. Briner commented that it is what it is. I do not think the whole property is adaptable. The owner will have to vacate if issues are not resolved.

Mrs. Roberge asks Mr. Briner who polices that.

Mr. Briner responds that he does.

Mrs. Marshall asks if property has county water. Some discussion of that followed with no clear answer on that property. On the other side of the road it appears to have city sewer and water. With the property being partly on a floodplain there would be a lot of problems trying to site a new septic.

Hearing no further questions, Chairperson Barnett asks for a motion.

**RPC: 9-11-2013: S-2013-02 Rezoning Case ~ Tom Owens ~ 14.39 acres
~Located at 925 Upper Valley Pike ~ Springfield Township ~
R-1 to B-3**

Motion by Mr. Hanlon, seconded by Mr. James Smith to recommend **Approval** of rezoning case S-2013-02 as presented to the Springfield Township Zoning Commission.

VOTE: Motion denied unanimously.

S-2013-03: Rezoning Case ~ Stephen Harper ~ 2 acres ~ Located at 840 Victory Road ~ Springfield Township ~ A (Agricultural Residential) to R-1 (Single Family Residential)

Mr. Neimayer, Senior Planner presents the case and states that the purpose is to Rezone 2 acres form A (Agricultural Residential) to R-1 (Single Family Residential) in order to split off 3 acres that will be attached to the church property to the south.

Surrounding Land Uses and Zoning

	<u>Land Use</u>	<u>Zoning</u>
North	Residential	A
South	Church / Residential	R-1 / A
East	Residential	A
West (Bethel Twp.)	Residential / Agricultural	A-1

Development Standards

The subject property, as part of the original zoning map (December 1964) for Springfield Township, and surrounding area has been zoned A (Agricultural Residential District). The two properties to the south, church property at 820 Victory Rd. and 804 Victory Rd., were previously rezoned to zoned R-1. The Applicant would like to rezone two acres of the subject property from A to R-1 (Single-Family Residential District) in order to split off the remaining 3 acres that will be attached to the Church of Christ in Christian Union property to the south.

Rezoning of the two acres is necessary due to the minimum lot size in the A zoning district is 5 acres. In the R-1 district, where there is no public water and sewer, the minimum lot size is 1 acre. The frontage/lot width of the subject property and the church property will remain the same.

CROSSROADS Land Use Plan

This area of Springfield Township is identified as Low Density Residential, which reads in part:

“Low density residential development (2 to 4 dwellings per acre – gross density) should be supported in portions of German, Moorefield and Springfield townships surrounding the City of Springfield where such development can be serviced by central water and sewer service. Neighborhoods should be designed to connect with existing adjacent residential areas through stub street extensions. Clustering techniques should be considered to provide a transition to rural areas. Supporting commercial uses are not appropriate given the low density.”

Mr. Neimayer asks if there are any questions from the Board.

Mr. Smith asks what the use for the three acres would be.

Mr. Neimayer stated he does not know if there is any use there. He thinks that it is more a financial related matter.

Mr. Barnett asks if there are any other questions for staff. Would anyone like to comment for the applicant. No one appears there to speak.

Hearing no further questions, Chairperson Barnett asks for a motion.

**RPC: 9-12-2013: S-2013-03 Rezoning Case ~ Stephen Harper ~ 2 acres~
Located at 840 Victory Road~ Springfield Township ~
A (Agricultural Residential) to R-1 (Single Family Residential)**

Motion by Mrs. Roberge, seconded by Mr. Hanlon to recommend **Approval** of rezoning case S-2013-03 as presented to the Springfield Township Zoning Commission.

VOTE: Motion carried unanimously.

**S-2013-04: Rezoning Case ~ Justen Fain ~ 1.79 acres ~ Located at 3667 S
Charleston Pike ~ Springfield Township ~ B-2 to B-3**

Mr. Neimayer, Senior Planner presents the case and states that the proposed uses would be to establish a garden center, sell farm & 4-H supplies with a drive thru. The former Root Beer Stand would be torn down. The request of the drive thru is the reason for having to rezone from B-2 to B-3. Also they would have to file for Conditional Use.

Surrounding Land Uses and Zoning

	<u>Land Use</u>	<u>Zoning</u>
North	Residential / Reid School	B-2 & R-1A
South	Agricultural / Residential	A
East	Residential / Agricultural	B-2 & A
West	Agricultural	A

Development Standards

The subject property has been zoned B-2 (Community Business District) as part of the original zoning map (December 1964) for Springfield Township. The Applicant would like to rezone the subject property from B-2 to B-3. The former root bear stand would be torn down. The flea market building would be converted to the following uses: establish a garden center, farm & 4-H supplies with a drive thru. The “drive thru” use is not allowed under B-2 zoning, hence this rezoning request. Under B-3 zoning, where the property is not serviced by public water and sewer, the minimum lot size is 1 acre.

CROSSROADS Land Use Plan

The subject property is identified in a Low Density Residential area while properties further to the east are in a Mixed Industrial area, and properties to the west are in a Mixed Use area.

“Low density residential development (2 to 4 dwellings per acre – gross density) should be supported in portions of German, Moorefield and Springfield townships surrounding the City of Springfield where such development can be serviced by central water and sewer service. Neighborhoods should be designed to connect with existing adjacent residential areas through stub street extensions. Clustering techniques should be considered to provide a transition to rural areas. Supporting commercial uses are not appropriate given the low density.”

The B-3 zoning district “is intended to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the local {B-1} and community business {B-2} districts.” Those permitted uses and conditional uses of the B-1 and B-2 districts are also allowed in the B-3 district following the required conditions of the B-3 district. A summary of permitted land uses by zoning district is provided below.

B-3, General Business District

Permitted Uses

Any use in the B-2 and B-1 districts
Auto wash
Agricultural implement sales or service
Auction house
Bus passenger stations
Garden stores/centers, greenhouses, nurseries
Hay, grain, feed stores
New and used car sales

Conditional Uses (BZA approval required)

Businesses with a drive-in
Hotels, motels
Mortuary establishments
Outdoor sales for space for sale of autos, trucks, boats, mobile homes, utility trailers
Veterinary hospitals, clinics, kennels
Outdoor recreation except for outdoor theaters
Indoor gun clubs and ranges

B-2, Community Business District

Permitted Uses

Any use in the B-1 district
Retail businesses, service establishments
Private clubs, organizations, lodge halls
Eating places
Business schools

Conditional Uses

Auto service stations as part of a planned shopping center
Indoor recreation
Eating places
Indoor gun clubs and ranges

B-1, Neighborhood Business District

Permitted Uses

Baked goods shops, retail only
Barber and beauty shops
Candy and ice cream stores
Drug stores
Pick-up stations for dry cleaning and laundry
Dry cleaning and Laundromats of self-service type
Grocery and delicatessen stores

Conditional Uses

None.

Any of the permitted B-3 uses would be compatible at the subject property, although a few may be more difficult to comply with applicable zoning requirements. On the other hand, there are several conditional uses that appear to be incompatible due to limitations of the site and applicable development standards. The purpose of the conditional use hearing is to allow an Applicant to show compliance with zoning requirements and applicable development standards.

The subject property is not located in a floodplain. However, high water at the site has been documented in past years. See further comments from the County Engineer and Clark Soil & Water Conservation District.

Mr. Neimayer states that as far as the building if the rezoning is approved through the township they will also have to file for a change of use type through Community Development. He stated that he had talked with Mr. Hale about this and does not see any obstacles with proposed use for main floor of second building. If the owner would get want to use the second floor of building there could be some issues. They would have to comply with building code current at that time.

Chairperson Barnett asks if we know when that building was built.

Mrs. Marshall comments that there have been many businesses there over the years. It has to date back to the 50's.

Chairperson Barnett asks if there are any more questions.

Mrs. Marshall responds with a comment that the property has been an eyesore for many years. It would be good to have a nice business there. She asks if we know who is going to own property.

Chairperson responds maybe Chaney & Garrety LLC.

Mr Neimayer states that is the current owner.

Mrs. Roberge states that Justen Fain is selling the property.

Mr. Briner states that the potential buyer would like to remain anonymous.

Mr. Neimayer states that Auditor's records do not show year built. Crossroads Plan does not support the proposed use. Even though this does not support as B-3, it would not be out of line since it has been zoned B-2 since the 1960s.

Staff recommends the Applicant's request to rezone the subject property from B-2 to B-3 be approved as presented. The Applicant is hereby informed of the incompatible land uses due to the site's limitations and of expected impacts on developing the site as noted in the reports from the County Engineer's Department, Clark Soil & Water Conservation District, plus communications between the Combined Health District and Ohio EPA.

Mr. Smith asks if the drive thru is it going to sell alcoholic beverages.

Mr. Neimayer stated that is a good question. Several years ago a liquor license was requested for that property. It was appealed to state liquor board and it was not approved. There was opposition from the school across the street at that time. He then stated could this be a step into that. Possibly. They would have to go through all the same steps again.

Chairperson Barnett stated that farm supplies and a greenhouse are great ideas. The sale of alcohol there is not a good idea.

Mr. Neimayer stated that he would like to let Mr. Briner speak about that. With any liquor permit application there is a notice sent County Commissioners and they send out notices to county agencies and schools about that application.

Mr. Briner stated the reason that license failed was because the gentleman did not appear at one hearing downtown. He then filed an appeal and later dropped it. He stated he knows the potential buyer and that he has committed verbally that as long as he owns the property he does not have any plans to sell alcohol. He also stated there are some good things about this request. The property has an ODOT easement. Across the road the change in grade is significant. We have hopes to get access to the property to excavate and explore when they would tear down the old root beer stand. There is probably a system in there that has deteriorated. Which could be why there is flooding in the area. The potential owner has expressed his willingness to cooperate along with working with ODOT.

Mr. Smith asks if there is a distance required to sell alcohol close to a school.

Mr Briner stated he does not think there is a set distance that you have to be away from a school to sell alcohol. Every year the township gets renewal applications for liquor licenses. There are 7 or 8 bars in the Township. The township has a lot of problems with some of them. Mr. Briner stated they work along with Gene Kelly concerning any trouble

with bars in county and at times will try to get a license revoked. It very rarely happens. A liquor license is hard to get, but probably harder to take away.

Chairperson Barnett asks if any more questions for Mr. Briner.

Mr. Smith asks Mr. Neimayer about use of second floor of second building.

Mr. Neimayer stated that with a change of use of one use to another, there are different classifications and different building requirements. They will have to get a change of use and spell out what they are using the building for and what parts of the building they are using.

Chairperson Barnett asks if there are any further questions.

Hearing no further questions, Chairperson Barnett asks for a motion.

**RPC: 9-13-2013: S-2013-04 Rezoning Case ~ Justen Fain ~ 1.79 acres~
Located at 3667 S Charleston Pike ~ Springfield Township ~
B-2 to B-3**

Motion by Mr. Hanlon, seconded by Mrs. Marshall to recommend **Approval** of rezoning case S-2013-04 as presented to the Springfield Township Zoning Commission.

**VOTE: Yes: Mr. Hanlon, Mrs. Marshall, Mr. Spradlin, Mr. Smith
No: None
Abstain: Mrs. Roberge**

2013-ZA-02 ~ City of Springfield Zoning Text Amendments

Chairperson Barnett made a motion to table the Zoning Amendments for another meeting.

ZA; 9-14-2013: City of Springfield Zoning Text Amendments

Motion by Mr. Spradlin, seconded by Mrs. Roberge to **Table** the City of Springfield Zoning Text Amendments.

Staff Comments

Mr. Neimayer states that next month's meeting is scheduled for Thursday, October 3, 2013. I am waiting to hear from Bryan concerning the City Zoning Text Amendments. I will contact you to let you know if we are having a meeting or not.

Chairperson Barnett asks for a motion for adjournment.

Adjournment

RPC: 9-15-2013: Adjournment

Motion by Mrs. Roberge, seconded by Mr. Hanlon, to adjourn the meeting.

VOTE: Motion carried unanimously.

The meeting was adjourned at 4:49 pm.

Mr. Gene Barnett, Chairperson

Mr. Thomas A. Hale, Secretary