

Regular Meeting ~ 2:00 pm.
Thursday, October 2, 2013

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Ms. Jo Anderson, Chairperson of the Clark County Planning Commission of Clark County Ohio, calls the meeting to order at 2:00 pm.

Present: Ms. Jo Anderson, Mr. Steve Hopkins, Mr. David Minard,
Mrs. Charlene Roberge, Mrs. Elaine Stevenson, Mr. Jim Burkhardt,
Commissioner Detrick and Commissioner Lohnes.

Absent: Nora Parker and Commissioner Hartley.

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

CPC: 10-23-2013: Minutes ~ August 7, 2013 ~ Regular Meeting

Motion by Mrs. Roberge, seconded by Mrs. Stevenson, to approve the minutes.

VOTE: Yes: Mrs. Roberge, Mrs. Stevenson, Mr. Burkhardt, Ms. Anderson,
Mr. Hopkins, Mr. Minard, Commissioner Detrick, and
Commissioner Lohnes.

No: None.

Motion carried.

Z-2013-05: Amendments to existing PD-M ~ Theresa Siejack ~ Property located at 4690 Urbana Road ~ Moorefield Township

Chairperson Anderson presents the first case and asks Mr. Neimayer for the Staff Report.

Mr. Neimayer, Senior Planner, presents the Staff Report. He states that the Applicant is requesting to amend the existing PD-M to include the following: 1) covered wood deck, 61 ft. by 25 ft.; 2) wood framed stair and ramp to existing restroom building; and 3) enclose the existing pavilion.

Mr. Neimayer stated he would like to apologize to Mr. Jim Peifer for misspelling his name.

Mr. Neimayer states for the record this case came from our building inspectors and is the result of a code violation. Anytime there is a major change to an existing PD-M, amending that PD-M follows the same process just like a rezoning case.

Mr. Neimayer also stated that the site was rezoned to PD-M (Planned District – Mixed Use) in 2006 at which time it consisted of 4.037 acres. The property was expanded to its current size of 12.04 acres and the PD-M was amended in 2010 to include additional development uses. Now, the Applicant is requesting a third amendment to the PD-M.

Mr. Neimayer presents a slide showing floodplain along the front/Urbana Road side of the property. There is no development planned for that portion of the property.

Staff recommends the Applicant's request to amend the existing PD-M (zoning text and plan) to include the three requested items: 1) covered wood deck, 61 ft. by 25 ft.; 2) wood framed stair and ramp to existing restroom building; and 3) enclose the existing pavilion.

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

Mrs. Stevenson asks what the code violation was.

Mr. Neimayer responded that the deck was already under construction. The building inspectors started investigating further and realized that Mrs. Siejack had no building permit for the deck.

Mrs. Stevenson asks if at anytime Mrs. Siejack wants to make improvements like this she has to come back to the Board.

Mr. Neimayer responds yes. If the proposed change is not in the PD-M, and a major change as defined in the zoning regulations, it would be necessary. Only minor changes (as so defined) can be made without an amendment.

Chairperson Anderson stated if there were no further questions for Staff is there anyone that would like to speak on behalf of or in opposition of the Applicant.

Mr. Jim Peifer, attorney for Mrs. Siejack, whose address is 20 S. Limestone Street, stated that he also brought Mrs. Karen Beasley who is the architect for Mrs. Siejack. Mr. Peifer stated he did not have much to add to the presentation of the case. Mrs. Siejack did not believe that she had a building code issue with building the deck so they began construction. The development over time has expanded as the use has become more popular. Mrs. Siejack has tried to get best picture of their future needs. These three proposed amendments should include any further changes that are planned for the foreseeable future. If the business continues to grow, I cannot say that we will not be back at some time in the future. Mrs. Siejack is doing a fine business and it is a real quality facility that has added a lot to the community. Mr. Peifer asks if there are any questions from the Board at this time. There are none.

Chairperson Anderson asks if there is anyone else who wants to speak. There are none.

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

CPC: 10-24-2013: Z-2013-05: Amendments to existing PDM (Planned District Mixed Use) ~ Theresa Siejack ~ Property located at 4690 Urbana Road ~ Moorefield Township

Motion by Mrs. Stevenson, seconded by Commissioner Detrick to recommend **Approval** to the Rural Zoning Commission of the Amendment to the existing PD-M Rezoning case { 1) covered wood deck, 61 ft. by 25 ft.; 2) wood framed stair and ramp to existing restroom building; and 3) enclose the existing pavilion } as presented.

VOTE: Yes: Mrs. Stevenson, Commissioner Detrick, Mrs. Roberge, Mr. Minard, Mr. Burkhardt, Mr. Hopkins, Commissioner Lohnes.

No: None.

Motion carried.

P-2013-01~ Jason Stull ~ Property located at 3198 Dayton-Lakeview Road ~ Pike Township ~ Rezone from R-1 (Rural Residential District) to A-1 (Agricultural District).

Chairperson Anderson presents the case and asks Mr. Neimayer for the Staff Report.

Mr. Neimayer, Senior Planner, presents the Staff Report. He states that the Applicant is requesting to rezone the subject property from R-1 (Rural Residential District) to A-1 (Agricultural District). The subject property had been zoned A-1 as part of the original zoning map for Pike Township. In 2001, the property was rezoned to R-1 in order to split off the 1.86 acre from the farmland. The owners at that time did not want the house as a rental property. The current owners want to rezone the 1.86 acres back to the A-1 District. If this rezoning is approved by the township, the owners intend to split off the adjacent 3+ acre pond area and attach it to the 1.86 acre house parcel. There is no proposed change to the existing access to the property onto Dayton-Lakeview Road.

Staff recommends the Applicant's request to rezone the subject property from R-1 to A-1 to be approved as presented.

Mr. Neimayer asks if there are any questions for Staff.

Mrs. Roberge asks why they are requesting the rezoning. Will they have to tear the house down or can they have the house in an Agricultural section.

Mr. Neimayer responded that yes the house can remain on the property. Single family residential is a permitted use.

Mrs. Stevenson comments they cannot have animals in R-1 (Residential) zoned area.

Mr. Neimayer replied saying state law allows animals to be permitted in any zoning district. When considering local zoning, it depends on the lot size. Under county zoning, when the lot is less than five acres, zoning requires that the structure housing the animals needs to be a minimum distance from lot lines.

Chairperson Anderson asks if there is a minimum requirement for frontage for properties zoned A-1.

Mr. Neimayer responds that there is but he is not sure what it is off hand. The split was probably done in a cluster. It met zoning requirements at that time or it went through a variance process.

Mrs. Stevenson responds that she believes it was a variance process. She had some concern about length of driveway for emergency equipment at the time.

Chairperson Anderson asks if there are any more questions.

Commissioner Detrick asks if this case is just a pass through to Pike Township.

Mr. Neimayer responds that is correct.

Mrs. Stevenson asks if the case is denied for rezoning does the case still go to Pike Township.

Mr. Neimayer responds that is correct.

Chairperson Anderson asks if there are any further questions. There were none.

Chairperson Anderson asks for a motion.

CPC: 10-25-2013: P-2013-01: Rezoning Case to Rezone from R-1 (Rural Residential District) to A-1 (Agricultural District) ~ Jason Stull ~ Property located at 3198 Dayton-Lakeview Road ~ Pike Township

Motion by Commissioner Detrick, seconded by Mr. Hopkins to recommend **Approval** to the Pike Township Zoning Commission the Applicant's request to rezone the subject 1.86 acre property from R-1 to A-1 be as presented.

VOTE: Yes: Commissioner Detrick, Mr. Hopkins, Mrs. Roberge, Mr. Minard, Mr. Burkhardt, Mrs. Stevenson, and Commissioner Lohnes.

No: None.

Motion carried.

ZA-2013-01~ Comprehensive Zoning Text Amendments

Chairperson Anderson presents the case and asks for a Staff Report.

Mr. Neimayer states that Draft B was mailed out to Board members that included changes discussed during the review of Draft A over the summer months. He noted there are thirteen "new" items that were not previously discussed and proceeded to review them. Some are editorial corrections.

Page 4-6 deals regarding Planned Districts: Currently, the PD text and map are to be recorded by the Applicant. This PD text and map is also recorded by the Commission Clerk as part of the County Commissioner's journal. Hence, there is a duplication in this process. He suggests deleting the paragraphs that deal with the Applicant being required to record as well and renumbering the remaining paragraphs.

Mrs. Stevenson asks Mr. Neimayer to clarify when it will be recorded. She asks if it is in the journal and then recorded in the Recorder's office as part of the journal.

Mr. Neimayer stated that he checked with the Clerk, Megan Lokai. She actually includes a copy of the PowerPoint file in the journal along with the Resolution, which includes minutes from the Commissioner's public hearing. That is all recorded.

Mrs. Stevenson questions when it is recorded, is that a point of record that can be accessed by the general public. She stated she just wants to make sure that it is being recorded in the Recorder's office. There is nothing stated in Zoning Regulations that state that.

Mr. Neimayer responds yes it is recorded in the Recorder's office.

Mrs. Stevenson asks if it needs to be in black and white in the Zoning Regulations.

Mr. Neimayer stated that because any requests for zoning are filed through Community Development, we would have documentation in our office as well.

Mr. Neimayer introduces changes made in reference to Portable Signs. The following dimensions were added: No portable sign shall exceed four (4) feet in height and eight (8) feet in width, and be mounted such that the overall height is not greater than seven (7) feet above the ground.

Mrs. Stevenson asks if there anything to address the quality of the signs. She was told the reason that signs in the past have been so distracting was due to the poor quality of the signs.

Mr. Neimayer responds that the city did not have any regulations for electronic signs at that time.

Mr. Neimayer stated that the quality of the signs in terms of flashing and the brightness is addressed in current County Zoning Regulations.

Mrs. Stevenson stated that just like social media, we are going to see electronic signs becoming more popular in the future.

Mr. Neimayer proceeds with Portable on Demand Storage (PODS). This is included in the summary of amendments and needs to be added on Page 10-15. The use of PODS or similar storage units can be used in any zoning district only for the purpose of loading or unloading in association with moving in or out of a building. PODS shall be parked on the property for periods not to exceed seven consecutive days. They shall not be parked on public right of way or private streets. They shall be on an asphalt or concrete surface. No zoning certificate shall be required but the aforementioned conditions shall apply. The exception would be with single-family residential and two-family that they can place the PODS on a gravel driveway. The intent is for the POD to be on the driveway and not in the yard area.

Mrs. Stevenson asks if the companies that deliver the PODS will notify customers that PODS can only be on their property for seven days. How would the general public know this.

Mr. Neimayer responded that they would not know that.

Mrs. Stevenson asks Mr. Neimayer who would police the timeline the PODS are on the property.

Mr. Neimayer responded that would be Code Enforcement. It would be complaint driven.

Mr. Neimayer asks the Board if there are any further questions or comments.

The Board thanks Mr. Neimayer for a good job and thanked him for all his hard work.

Chairperson Anderson asks for a motion if no further questions or discussion.

CPC: 10-26-2013: ZA-2013-01: Comprehensive Zoning Text Amendments

Motion by Mrs. Roberge, seconded by Mrs. Stevenson to recommend **Approval** of the Comprehensive Zoning Text Amendments to the Rural Zoning Commission as presented.

VOTE: Yes: Mrs. Roberge, Mrs. Stevenson, Mr. Minard, Commissioner Detrick, Mr. Hopkins, Mr. Burkhardt, and Commissioner Lohnes.

No: None

Motion carried.

Staff Comments

Mr. Neimayer stated a new rezoning case has been filed and confirmed the next meeting will be held on Wednesday, November 6, 2013.

Adjournment

CPC: 10-27-2013: Adjournment

Motion by Mrs. Roberge, seconded by Mrs. Stevenson, to adjourn the meeting.

VOTE: Motion carried unanimously.

The meeting was adjourned at 2:42 pm.

Ms. Jo Anderson, Chairperson

Mr. Thomas A. Hale, Secretary