

Minutes

Clark County Rural Zoning Commission

Regular Meeting ~ 8:30 am.
Thursday, October 9, 2013, 2013

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Mr. Ken Brust, Chairperson of the Clark County Rural Zoning Commission of Clark County Ohio, calls the meeting to order at 8:30 am.

Present: Mr. Ken Brust, Mr. Wayne Leis, Mr. John Hays and Mr. Pete Lane.

Absent: Mr. John Baird

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

Chairperson Brust noted that Wayne Leis will abstain from voting on the minutes as he is a new member and was not in attendance at that meeting.

RZC: 10-20-2013: Minutes ~ August 14, 2013 ~ Regular Meeting

Motion by Mr. Lane, seconded by Mr. Hays to approve the minutes as presented.

VOTE: Yes: Mr. Brust, Mr. Lane, Mr. Hays

Abstain: Mr. Leis

Motion carried.

Chairperson Brust explains how the meeting will be held. Everyone will need to sign in that will be speaking. Staff will present the report and the Board will ask questions to the staff. The proponents will be able to speak followed by the opponents. Everyone will be sworn in before they speak. Rebuttal by the Applicant will follow, if desired.

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

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 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 slides showing the location of the subject property and surrounding zoning districts. On an aerial photo of the property, he identified the location of the proposed three amendments. Another slide showed floodplain along the front/Urbana Road side of the property. There is no development planned for that portion of the property.

Included with the staff report is the report from the County Engineer's Department. They have no objection to the Applicant's request to amend the PD-M zoning as requested.

Based on the above information, 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 be approved as presented.

Mr. Neimayer stated on October 2, 2013 the County Planning Commission met and unanimously passed a motion to recommend to the Rural Zoning Commission that the proposed three amendments to the existing PD-M be approved as presented.

Mr. Neimayer also stated that Mr. Tom Hale was informed by the Moorefield Township Fire Department that the fire department has some outstanding issues with the property. Because a representative from the fire department was not able to attend the public hearing, the department asked that the Board be informed there are outstanding issues.

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

Mr. Lane asks if the Moorefield Township Fire Department has seen the proposed amendments of the Applicant.

Mr. Neimayer responded that information on this case was sent to the attention of the township trustees.

Chairperson Brust stated if there were no further questions for Staff this portion of the meeting will open to the public at 8:34 am.

Chairperson Brust asks if there is 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 he also brought Mrs. Karen Beasley along with Mrs. Siejack. Mrs. Beasley is the architect for Mrs. Siejack. Mr. Peifer stated that he did not have much more to add to the Staff report. He did want to comment on the statement about the fire department. He stated that they are not aware of what the issues are with the property. He understood that Mr. Hale had mentioned to Mrs. Siejack that the fire department had some issues and they expected to receive something from the fire department and never did. We think the issue has to do with something already on site and does not pertain to what is being proposed today. I can only assume it is something minor and that the Owner/Applicant has every intention to comply.

Mr. Peifer noted that Simon Kenton Inn is a fine development that has been well received by the community. The three items being suggested are in response to its popularity and would provide for some additional outdoor dining.

Mr. Peifer also stated that when Mr. Hale became aware that construction was taking place and they were notified of a code violation, the Applicant immediately stopped construction and filed an application. She did not intend to bypass anything. Mr. Peifer offered to answer any questions from the Board. There were none.

Mrs. Theresa Siejack, whose address is 4690 Urbana Road, stated the proposed ramp would make it more convenient for use of the restrooms located 20 feet from the pavilion. The only other handicap accessible restrooms are located in the main house.

Mrs. Siejack stated that the Moorefield Fire Department along with Mr. Hale made an unannounced visit on December 10th of last year. They spent three hours walking through the property with the Applicant. There were some minor things at the time that were brought to her attention. We had to move a fire extinguisher up about three feet and there was an electrical issue with an extension cord that has since been eliminated. She cannot recall but believes that there was something pointed out about the main house. She has never received any letters from either the Moorefield Fire Department or Mr. Hale that told her what needed to be done.

Mrs. Siejack also stated that the deck adds to the beauty of the property and that since the restaurant is in a rural community people like to be outside. The area used to be gravel and people sat out there regardless. The business has grown 27% since 2009. There are nineteen employees and all but one live in Clark County. The tree houses that were added to the property currently have an 85% occupancy rate. They are rented frequently by corporate renters such as Honeywell, Navistar and Rittal. Mrs. Siejack asks if there are any questions from the Board at this time.

Mr. Lane asks Mrs. Siejack if the proposed enclosure is for the existing pavilion.

Mrs. Siejack responded it is. The pavilion sits up on a hill and when it rains or the wind blows it is hard to keep weather out with the drop down curtains that they currently have.

Chairperson Brust asks if there was any one else that would like to speak. There were none.

Chairperson Brust closes the public hearing at 8:39 am.

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

RZC: 10-21-2013: Z-2013-05: Amendment to an existing PD-M (Planned District – Mixed Use) ~ Theresa Siejack ~ Property located at 4690 Urbana Road ~ Moorefield Township

Motion by Mr. Lane, seconded by Mr. Leis to recommend **Approval** of the three proposed amendments to the existing PD-M.

VOTE: *Motion carried unanimously.*

ZA-2013-01: Comprehensive Zoning Text Amendments

Mr. Neimayer, Senior Planner, stated 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.

Mr. Neimayer presented to the Board a definition on Portable On Demand Storage (PODS); listed in the summary. 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 the public right of way or private streets. They shall be on asphalt or concrete surface. No zoning certificate shall be required but the aforementioned conditions shall apply. Mr. Neimayer noted because a driveway for single-family and two-family can be gravel, the definition presented needs to be modified. The intent is for the POD to be on the driveway and not in the yard area.

Mr. Hays asked Mr. Neimayer was if he was saying that gravel is a paved surface.

Mr. Neimayer clarified by reviewing surface requirement of a driveway (to be asphalt or concrete) with exceptions for agriculture, single-family and two-family uses, which can have gravel driveways.

Mr. Neimayer asks the Board if there are any further questions or comments. There were none.

Chairperson Brust asks if there was any one else that would like to speak. There were none.

Chairperson Brust closes the public hearing at 8:56 am.

Hearing no further question from the Board, Chairperson Brust asks for a motion.

Minutes

Clark County Rural Zoning Commission

RZC: 10-22-2013: ZA-2013-01: Comprehensive Zoning Text Amendments

Motion by Mr. Lane, seconded by Mr. Hays to recommend **Approval** of Comprehensive Zoning Text Amendments as presented.

VOTE: Motion carried unanimously.

Staff Comments

Mr. Neimayer states a new rezoning case has been filed and confirmed the November meeting will be on Thursday, November 13, 2013.

Adjournment

RZC: 10-23-2013: Adjournment

Motion by Mr. Hays, seconded by Mr. Leis to adjourn.

VOTE: Motion carried unanimously.

The meeting was adjourned at 8:59 am.

Mr. Ken Brust, Chairperson

Mr. Thomas A. Hale, Secretary