Clark County Rural Zoning Commission
Regular Meeting - 8:30 A.M.

WEDNESDAY, December 10, 2003

County Offices / Municipal Courts Building
Commission Chambers
5th Floor, 50 East Columbia Street
Springfield, Ohio 45502

AGENDA

1. Minutes ~ September 10, 2003 (Regular Meeting) *ACTION*

2. Rezoning Case **Care Spring Health Care Management**
Z-2003-12 Mad River Township ~ .89 acres *DISCUSSION & ACTION*
8801 Dayton Springfield Road
R-2A to O-1 (Office Business District)
PUBLIC HEARING

3. Staff Comments *DISCUSSION*

4. Adjournment *ACTION*

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Minutes

Clark County Rural Zoning Commission

Regular Meeting ~ 8:30 a.m.
Wednesday, September 10, 2003

County Offices/Municipal Courts Building
Commission Chambers
5th Floor, 50 East Columbia Street
Springfield, Ohio

Mr. Tom Crosbie, Chairperson of the Clark County Rural Zoning Commission, called the meeting to order at 8:30 a.m.

Present: Mr. Tom Crosbie, Mr. John Baird, Mr. Gary Cummins, and Mrs. Jerry Taylor.

Absent: Mr. Larry Lewis and Mrs. Linda Smith.

RZC: 9-23-2003: Minutes ~ August 13, 2003 (Regular Meeting)

Motion by Mr. Taylor, seconded by Mr. Cummins to approve the minutes as printed.

VOTE: Motion carried unanimously.

Chairperson Crosbie began the meeting by explaining that this board looks at property to see if it is land that can be used for the request. There are other agencies that control what will happen to these properties. He realizes everyone would like to speak, but he also recognizes there is a lot of information to cover. He asked the audience to listen to what other people have said so as to limit the number of repeat comments. Everyone needs to identify his or her name and address prior to speaking.

Z-2003-11 Rezoning Case ~ The Horizon Company ~ Bethel Township ~ 340 +/- acres ~ North of Gerlaugh Road ~ A-1 to PD-M (Planned Development (Mixed Use) District)

Mr. Farnsworth presented the report on the rezoning case submitted by the Horizon Company. He highlighted information contained in the staff report and on the map. Planning Staff recommended approval with the following stipulations:

1. A Traffic Impact Study is prepared by the applicant and reviewed by Ohio Department of Transportation and the Clark County Engineer.
2. Approved design specifications for the access point at Lower Valley Pike to direct truck traffic away from Medway.
3. A Preliminary Storm Water Pollution Prevention Plan (SWPPP) be submitted to the Clark Soil & Water Conservation District prior to development.
4. Review and approval of any and all engineering plans involving the Miami Conservancy District area prior to development of the industrial area.
5. Maximum building height for the multi-family of 45 feet.
6. Change the Maximum coverage by all buildings to 35% and maximum coverage by all buildings and impervious surfaces to 60%.
7. Approval by FEMA of either a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) prior to development of the industrial area.
8. Approval by the Ohio EPA for fill in floodplain or along Mud Creek.

9. US Army Corp of Engineer permit requirements are meet prior to development of the industrial area.
10. Require parking spaces for the entire development meet the county's standards of 9' x 20'.
11. Allow only those uses permitted in zoning districts O-1 through B-3 for the Retail/Commercial area west of Mud Creek to State Route 235.
12. The excluded uses proposed (see attached) to include Resource and Mineral Extraction, Penal & Correctional Facilities, Sanitary Landfills, Day-care Centers, Nursing Homes, Convalescent Homes, Motor Vehicle, Boat & Camper Storage, Automotive Body Shop, Mini-warehouse or Self-storage Facilities for the Industrial area.
13. Approval of bridge design and location by the Clark County Engineer prior to development of the Industrial area.
14. Review and approval of utility design of entire development prior to development.
15. Amend the entrance from State Route 235 from a proposed 60' right-of-way to a 75' boulevard.
16. Limit the maximum density for the Multi-Family Residential area to 120 units.
17. A minimum buffer width of 50 feet shall be provided for the stream corridor of Mud Creek.

It was added that the County Planning Commission recommended approval for this rezoning request subject to above-mentioned stipulations. The applicant has taken the above stipulations and incorporated them into their narrative. Mud Creek will be maintained as an open waterway with 50 feet setbacks on either side. An easement will be granted to Clark County along the northeastern boundary of the property to allow for the diversion of storm water from Gerlaugh Road through said easement. They've added language specifically to cover the limitations of the proposed access point along Lower Valley Pike. They have added language along the permanent termination of Choctaw Drive specifically prohibiting any cul-de-sac. The reason is we do not want to encourage any type of proposed lotsplits to occur here as well as any type of access point. The main entry off of State Route 235 will be a minimum of a 75-foot entrance. The excluded uses have been modified to conform to County Planning staff's recommendation. They are recommending as a permitted use a daycare in the commercial area. They have indicated that the daycare center will be treated as a conditional use. The thinking behind this is if you have companies that have a lot of people with children, that daycare would assist the employees. The maximum building height for multi-family of 45 feet change has been made. They are recommending that all building and impervious surfaces be limited to 65 percent. Planning staff had recommended 60 percent. This may need further discussion. The applicant submitted a 9 x 18 feet parking space stall because it helps limit the size of total parking field on any one lot.

Mr. Farnsworth said the intent for buildings and businesses is the same as what is in the PrimeOhio Industrial Park and the CentrePoint 70 in Huber Heights. Huber Heights has a little more authority and flexibility to control truck traffic by how it is designed. The County Engineer and Ohio Department of Transportation feel confident that Lower Valley Pike can be designed to encourage good traffic patterns. They plan a 120-unit density. A building could have two units. Storm water facilities will have to be maintained onsite for all uses.

Board member Cummins stated that the plan indicates that 5 foot raised berms. It is not very clear. Mr. Farnsworth stated they are proposing a 100-foot setback on the easterly side of the property. Within that they are proposing a 5-foot earth and berm with trees to create a visual buffer. The setback for parking is 135 feet with the building setback being 150 feet. The berm would be mostly to protect the homes to the east and to the north.

There is also a gas pipeline easement that runs along the easterly side. It travels down to the Wright Patterson Air Force Base. Regardless of whatever happens, that easement will be protected.

Board member Cummins questioned if there is anything that shows the floodplain overlay with the planned development. Mr. Farnsworth did not have any maps depicting both. He then pointed out the areas that were affected by the flood plain. The applicant intends to submit engineering plans to FEMA to amend the flood plain areas. This will need to occur prior to any development.

Board member Taylor questioned if we should discuss the maximum coverage at this time. Chairperson wanted to wait until the public hearing was held.

The public hearing was opened.

Mr. Terry Hoppes, engineer and surveyor, discussed the layout map that displayed the road configurations and the lots of various sizes. They are planning a direct access to State Route 235. They do show an alternative road layout that comes across a traffic light at ____ Drive. The applicant does not own this ground, but there will be an attempt to arrange an agreement with that owner. There is no access of the industrial plan out to Gerlaugh Road. The only thing that will access Gerlaugh Road will be the multi-family area. There will be no access plan to Choctaw Drive. The access shown at Lower Valley Pike will be restricted so that truck traffic will only be allowed to turn right out of the subdivision towards Interstate 70. They intend both by signage and the appropriate barriers to prohibit truck traffic coming into the development from Lower Valley Pike.

The project is planned to be served by both public water and sewer. They have a public sewer that goes along Mud Creek and goes to an existing pumping station. There is a public water line at State Route 235 with another line east of the property on Gerlaugh Road.

The drainage is a fairly complicated matter. They have a 100 Year Flood Plain in addition with the Miami Conservancy Flood area. The Miami Conservancy is an agency that came along as a result of the 1913 flood. This agency constructed five different dams and purchased easements to allow them to impound water. They do have the restriction of the 835 elevations, which is the elevation of the spillway for the Huffman Dam. Any filling that is done in this area must have a permit obtained from the Miami Conservancy. They intend to provide a compensating volume for any fill that is permitted. They have plans to on 30 to 40 acres to excavate down to the water table. This excavation will allow other sites to be graded and filled above the 100 Year Flood elevations for FEMA.

The detention requirement from preliminary calculations for the 65 percent coverage figured on the property probably comes out to only 10 acres. Whereas the area for the Miami Conservancy backup is about 35 to 40 acres. The detention requirement is more than met. They displayed a map,

which contained the changes as requested by various agencies. It shows a 75-foot right-of-way at the entry of State Route 235. They will maintain a 50-foot wide buffer on each side of Mud Creek to keep that natural. They will provide an easement to the County say they may be able to drain their Gerlaugh Road project. Also a barrier will be placed at the end of Choctaw so that no connections will be made out of the industrial area.

Chairperson Crosbie questioned if there was access off of Lower Valley Pike for trucks. Truck traffic will only be permitted access through State Route 235. Is there any way to come off of Interstate 70 and into this through Lower Valley Pike? Mr. Hoppes disagreed.

When the Miami Conservancy put the five dams in, for each dam they purchased easements on the ground upstream from those dams. By the construction of the dam to a certain spillway elevation, which is 835 in the case of Huffman, they can look on the topo maps and see what area is going to be flooded during the flood. They want to preserve that backup volume. If anyone does any filling on land that is below the elevation of 835, it is necessary to submit plans and obtain a permit so that we provide a similar compensating volume to allow that water to backup.

Board member Cummins said the applicant has an alternate road layout through Jim Burrowes' property. Why? Mr. Farnsworth explained that the attorney for this project had indicated they are talking with Mr. Burrowes to see if an agreement can be arranged. If they are able to acquire this ground, the overall goal is to utilize Coca Cola Boulevard. Staff recommended that they show their primary access point, but also show us an alternate. In talking with ODOT, actually Coca Cola Boulevard is a desirable intersection. The Burrowes property is also already zoned industrial.

Mr. Alan Schaeffer, attorney for the applicant, emphasized Choctaw Drive will not be a cul-de-sac but a dead-end stop. It will have a 100-foot setback with additional landscaping. The easement given to the County will run water off of Gerlaugh Road. The only storm water involved in the detention area will be generated by this development.

The multi-family area will have no access into the site and there will be no access from the site through the multi-family onto Gerlaugh Road. The multi-family can be either true multi-family apartments or condos. That decision has not been made.

The 60 percent coverage of building and impervious surfaces is a bit problematic for the applicant. They originally came in with 80 percent and now have it down to 65 percent.

Board member Cummins said the map he is looking at shows the trees to be 47½ feet from the property line. It was explained that the trees are contained within the 100-foot setback area. Within that 100 foot setback there will be no construction and only landscaping for a buffer zone.

Mr. James Ward of 8163 West National Road said that based on past experience with the applicant, he would object to the proposed project. He or his employees have shown a disregard for the property of others: invading it, moving land, and destroying trees without permission. Mr. Ward finds it difficult to trust the statements made regarding protection of the area surrounding Mud Creek. This natural drainage should not be disturbed as it has been done. A large bulldozer or backhoe was used to uproot trees and move them aside. The creek bed was dug out south of this proposed project. The banks were restructured. All of this was done without the owner's knowledge

or permission. In addition to altering Mud Creek, Dry Run was also altered. Dry Run provides drainage back into Montgomery County, which isn't on this property. Mr. Ward's concern is that this alteration of natural drainage could affect land downstream bringing more silt into areas that previously had been stable. Building on the flood plain is ill advised and very strictly controlled by the Miami Conservancy District. This farmland has been owned by the Trumbo family and heirs for more years than the Miami Conservancy have had control. In all of that time it has not been flooded but the building is prohibited on that flood plain.

In the proposed plan it appears that the flood plain is to be used for commercial or industrial building. In addition to those buildings there would be parking areas that would be covered with black top or concrete causing more runoff to add to the drainage problems. Is the Planning Commission or the Zoning Commission certain that the existing or planned systems would be able to handle the additional runoff? Mr. Ward repeated that he has reservations about the integrity of this plan or the applicant to follow it.

Ms. Dixie Gegal of 1206 Berket Avenue said she is representing the Lower Valley Scenic Byway Committee. This Committee has met and held monthly meetings for the past two years. The initial meetings were for preparations for a preapplication for the Ohio Department of Transportation for Scenic Byway status. The community gathered support for the byway from the state representative, Clark County Commission, townships of Mad River and Bethel, Clark County Engineer's department, Springfield Clark County Chamber of Commerce, National Trails Parks and Recreation District, Friends of clark County parks, Clark County Historical Society, New Carlisle Historical Society, and the Medway Area Historical Society. The requirements for scenic byways are meeting six intransient qualities: historic, recreational, cultural, archrieacahl, natural, and scenic. There are 170 plus houses that meet the Ohio Historical Society's criteria for historic buildings. The beautiful Mad River is not only scenic but also provides recreational activities. George Rogers Clark Park provides activities that give evidence of customs and ritals of current groups. The Pickaway Village is archeological site and gives evidence of human groups that no longer exist. The wetlands glacier lakes give little evidence of human disturbance in natural ecological features associated with our region. The current federal administration is committed to helping to protect and enhance roads representing our heritage.

The Ohio Department of Transportation feels Ohio deserves an alternate route to relieve the montany of highway driving. Residents and school buses use Lower Valley Pike. Area residents are use to seeing slow moving farm equipment. Lower Valley Pike Scenic Byway is requesting this group carefully consider the impact development and commerce will have on our many one of kind resources. We are respectfully requesting no entrances on Lower Valley Pike. However, the Planning Commission has already addressed this problem with a right turn only to I-70. They are asking that the area be covered with natural greenery that is approved by the Ohio Department of Transportation and is also historically correct to the area.

Mr. Schaeffer explained that on Lower Valley Pike there would only be a right turn allowed so that trucks can proceed to I-70. There will be no entrance off of Lower Valley Pike. The Ohio Department of Transportation is also providing some suggested engineering drawings that they have used successfully in other locations in Ohio to ensure that limited access is guaranteed.

Board member Taylor said she is more concerned with the landscaping. How are they going to landscape to preserve that historic area? Mr. Schaeffer said they would like to work very closely with the Lower Valley Scenic Byway Committee. Rather than say today what they plan to install, he would like to sit down with Ms. Gergal and work out the details.

Mr. Joseph Wehener of 11801 Choctaw pointed out a pipeline that travels north and turns on Gerlaugh Road and goes west to State Route 235. Has anybody addressed the easement? Is there anyone in attendance from BP Oil? BP takes care of that pipeline and he is wondering if the Commission knew this. Mr. Tritle explained that the company would retain the easement. When this parcel is platted off into lots, the easement will be identified and protected. The developer is aware of the easement and it will be noted in the platting process. The easement will be addressed in the subdivision phase because the applicant has to show the easement when the property is subdivided. Mr. Farnsworth corrected that he did mention the easement for BP Oil. BP will be notified when this development reaches the subdivision phase. All utility companies that cover this area will be notified as part of the review process.

Mr. Ed Dow of 10790 Lower Valley Pike stated that zoning should boil down to what is the best use for the property. According to the report from the Clark Soil and Water Conservation District this area is defined as prime farmland. This soil produces the highest yields with the minimum expenditure of energy and economic resources. This is a primary issue in this rezoning. Do we maintain what the best use is as defined by our own Soil and Water District or do we cover it up?

Our current sewer capacity is approaching its limit. Any significant development could risk reaching the capacity. Mr. Dow's question is who pays for the upgrade? He feels with a large project such as this that the developer should pay for the upgrades. Any additional charges caused by the upgrade should not be passed onto to current residents who already paid for the first sewer plant.

With all of the water onsite, why can't the developer use his own well instead of the wells being used for residential use?

Mr. Dow was concerned with the analysis of the flood. The assumption appears to be that you would have storm water runoff at a different time than when you have a flood. That is inconsistent. There should be a greater area for containment.

He noted that there is no buffer zone between the housing on Gerlaugh Road and Gerlaugh Road. The housing is right against Gerlaugh Road, which Mr. Dow feels violates the basic premise of the buffer zones. In addition, the long range planning is to widen Gerlaugh Road. Shouldn't this factor be considered? There is also no buffer on the retail/commercial site on the west side of the property. Buffering seems to be a term thrown around without mush consideration of who is buffering against what. Part of the buffering should be not only visual but also auto.

The entrance on State Route 235 should be more a grand entrance event. It looks like there will be development as close as permitted against State Route 235. Mr. Dow feels this needs to be reconsidered.

Early indications were that the maximum height of the buildings would be 45 feet. The document today indicates it could be as high as 75 feet. Either height requires Bethel Township to be equipment with the correct fire equipment. The developer should have to furnish a ladder truck so that the buildings can be protected.

Mr. Dow agrees the right-of-way should be 75 feet and not 60 feet to make this a better presentation to the public.

Mr. Todd Emanual of 3957 Tomahawk Drive said his property borders the east side of the property in question. He has concerns about the mound that is proposed. Mr. Emanual's back yard floods frequently with heavy rains. With the installation of a mound behind his property, will that cause more water to run into his yard? What will the redirection of the water do to the area water? Will it become contaminated? Will they be forced to tie into public water? If so, who will pay the fees for installation? He would like the mound to be farther from his property than closer. Mr. Emanual is happy with his well and does not want to be forced to do anything.

Ms. Nancy Brown of 3805 Tomahawk Drive is a Bethel Township Trustee. She is both pleased and dismayed at the process dealing with this project. She is pleased with all of the dedicated effort from the people working for the County. She has been dismayed because the project of this magnitude is handled in the same time frame as a simple lotsplit. It is submitted one month and heard the next. There are many opportunities for the owner to submit changes but little opportunities for the same dedicated county workers to review the final product. There is virtually no time for residents to give needed information. The people of southwestern Bethel Township are not adverse to change. They just do not believe it should be thrust upon them with no regard to their welfare. She thanks the county for their diligence on their behalf and ask that they take the time to seek answer to some of the remaining concerns.

Ms. Brown had further concerns: The rezoning of 20 acres to multi-family with no idea of who, what, how, or when this will be developed. She does not know the normal process, but if someone would come it with just 20 acres asking for multi-family, would the board entertain this request. Does the board ask for more specific proposals? The concern in the area is if this rezoned to 20 acres of multi-family with no idea of what will be constructed, what will be built? They believe this either should not be rezoned for handled as a separate issue.

Ms. Brown explained that Ms. Prines lives directly adjacent to this site. She is a nurse and was unable to attend the hearing. She asked Ms. Brown to speak on her behalf. She appreciates the effort made to assure no truck traffic will be going through Medway. They would like to see a traffic study to see how this will impact Medway. Lower Valley Pike cannot be widened through Medway unless some structures are destroyed. At the intersection of Spangler Road and Lower Valley Pike, three of corners have large buildings right against the street. This is the time to decide if they plan to widen Lower Valley Pike. This needs to be considered before a decision is made.

The width of the buffer zone behind the housing to the east of this development will be landscaped, but that will not address the noise concerns from traffic traffic at loading docks. They ask that the buffer zone be increased or that development be limited to offices or businesses that will not have traffic at night.

Another local resident made a suggestion to Ms. Brown that if the road were moved west from where it is proposed, it would be over the rise from the residential homes. This would give additional buffering for noise.

Ms. Brown had made two requests: staff shows the entire flood plain in their presentation and shows this property with 60 percent coverage. These were not done. She would like to see what this would look like with 60 percent coverage.

A major concern is a project of this magnitude has progressed this far without an identified developer or promoter. A good industrial development is an art requiring skills acquired through experience. While the owner has developed properties in the past, he has not developed industrial property. They would like to see this go in as a beacon of good development. They would gratify to see a developer of industrial land deeply involved throughout the entire process.

How will this affect the air? Will the buffering filter the air for the people who live in this area? They would like to see something firm showing what is proposed for this area.

Ms. Brown checked the cost of an aerial fire truck, which turned out to be $750,000. To properly equip the truck and train the people would be another $100,000. They speak of Coca Cola as an alternate entrance and yet on the map Ms. Brown does not see that as an alternate but as an additional entrance.

In conclusion, the applicant's attorney has set up a meeting on the next evening for the community to get information on this development. Ms. Brown believes it would be the best interest for everyone if the board had an opportunity to hear from those residents to hear their concerns. This process needs a little more time to find answers to some of the questions.

Ms. Joanne Winters of 4224 Osborne Road said the traffic situation has been addressed but Osborne Road has not been mentioned. The same problem exists that existed 6 years ago. Osborne Road has two very bad curves with Ms. Winters living on one of the curves. There is no left turn onto Lower Valley Pike. What better way for these trucks than to use Osborne Road for the shortcut? Someone mentioned trying to see a semi turn left into Medway. You ought to see a semi come around the curves on Osborne Road. She does not relish the idea of a semi in her yard. It doesn't take a brain surgeon to know that truckers are going to find the Osborne Road shortcut. She hopes a traffic impact study could be done on Osborne Road as well as the roads that have been mentioned. Ms. Winters does fear for lives on Osborne Road.

Mr. Randy MacGillivray of 169 East Main Street in Donnelsville asked if Ms. Brown was speaking as a trustee for Bethel Township, a representative for the Bethel Township trustees, or as a resident. Ms. Brown stated that she spoke for herself and the residents who contacted her.

Chairperson Crosbie recessed the meeting for five minutes.

Mr. Hoppes explained that he would like to respond to the drainage and Mr. Schaeffer will respond to other issues. One issue brought up was the volume of the Miami Conservancy backup area. To put the entire thing into perspective is the Miami Conservancy backup is designed for a catastrophic event. It is designed for a huge flood. The storm water detention the applicant is

proposing is for everyday storms. When we get to the point when the water is backing up to the Miami Conservancy level, we would then be talking about 283 acres just on this site that would be a drop in the bucket compared to the hundreds of square miles of water shed that go into the Huffman Reservoir. The other issue was how the mound in the buffer area would work. We have a situation right now where there is an apartment project on the north side of Gerlaugh Road. There is a large residential subdivision also on the north side Gerlaugh Road. All of that water drains down and comes across Gerlaugh and then comes down in those back yard areas.

An unidentified woman argued that no water comes down in her back yard. Another man said there are areas in his yard that hold water but the water does not drain down. The County Engineer wants to widen Gerlaugh Road and put in a storm sewer.

Mr. Hoppes continued with explaining they will have to make provisions for any drainage water that does or does not come down through the site. All of the water in this subdivision will be routed into the storm sewer system. The applicant will not be doing anything to interfere with the ground water in this area. Nothing they are doing will affect any ground water table or wells. No environmental impact study has been done on this area. A man from the audience said that taking the water away could dry up the aquifer or reduces the amount water flowing allowing bacteria to grow. This development will change the entire water flow in this area.

Mr. Hoppes said they are looking at correcting the drainage problems. All of the water will go into a detention basin where it will be able to recharge the ground water.

Another man asked what would happen to the oil and gas from the trucks running through this subdivision. He does not want his well water being contaminated.

Mr. Schaeffer pointed out that herbicides and pesticides are applied to this property now. They are potentially a contaminating factor. If the applicant needs to do an impact study, he is willing to do just that. They are not trying to take water away or pollute anyone's water.

There is not confusion on the building height. The maximum permitted height is 45 feet for multifamily structures and 75 feet for the commercial buildings. It is important to note what this process is. This is a PD mixed use. If this rezoning application is approved, the protection is built in. What goes into a PD goes back through the process. The applicant is requesting 120 units for the multi family. There could be two units in one building, but there is still a maximum of 120 units.

A man from the audience asked if they plan subsidized housing or an apartment complex. Mr. Schaeffer said the applicant has not intentions of putting subsidized housing in that location. They have no desire.

Another lady asked how this development would affect the air quality. Mr. Schaffer was not sure.

Chairperson Crosbie stated that this board does not have any control of what becomes subsidized housing. The Zoning Commission looks to see what use the property should have.

Board member Taylor said there is some mention by the residents that the would be forced to tie into public water. From a planning standpoint are there any concerns in this area? Mr. Farnsworth said the residents currently on wells and septics would not be required to hook onto public utilities. Usually when that occurs is when the septics fail or wells are contaminated. One concern for commercial development on private wells is water pressure. Because a 12-inch line is available there is an assurance for public water. When an environmental impact study as well as an engineering study, it may be determined that a water tower is needed. That cost would be born by the developer. Installing public utilities into Tecumseh Terrace may happen some day. But as a result of this development, no.

The engineering plans are done after the rezoning during the subdivision phase.

The public hearing was closed.

Mr. Larry Amos of 3830 Osborne Road stated that semis currently travel down Osborne Road. Unless they build something at the entrance to stop the semis, truck traffic will just increase. Can they build something? Mr. Farnsworth said the County Engineer and Ohio Department of Transportation have plans that have worked in other parts, which control traffic. An example would be traffic into Ocedar on Titus Road. They actually constructed barriers that would prevent trucks from being able to turn onto Titus Road.

Board member Taylor noted there has been work put in on this project. There are some concerns but she feels there are lot of agencies in place that will work through this project. Should we add some additional stipulations? Mr. Tritle suggested a study of the aquifer and the effect on surrounding wells.

CPC: 9-24-2003: Z-2003-11 Rezoning Case ~ The Horizon Company ~ Bethel Township

Motion by Mrs. Taylor, seconded by Mr. Baird to grant ***Approval*** for the request of The Horizon Company to rezone 340 +/- acres located south of Gerlaugh Road, east of State Route 235, north of Interstate 70, and west of Tecumseh Terrace Subdivision, Bethel Township from A-1 (Agricultural District) to ***PD-M (Planned Development (Mixed Use) District) subject to the following fifteen additions:***

1. A Traffic Impact Study is prepared by the applicant and reviewed by Ohio Department of Transportation and the Clark County Engineer.
2. Approved design specifications for the access point at Lower Valley Pike to direct truck traffic away from Medway.
3. A Preliminary Storm Water Pollution Prevention Plan (SWPPP) is submitted to the Clark Soil & Water Conservation District prior to development.
4. Review and approval of any and all engineering plans involving the Miami Conservancy District area prior to development of the industrial area.
5. Maximum building height for the multi-family of 45 feet.
6. Change the Maximum coverage by all buildings to 35% and maximum coverage by all buildings and impervious surfaces to 60%.
7. Approval by FEMA of either a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) prior to development of the industrial area.

8. Approval by the Ohio EPA for fill in floodplain or along Mud Creek.
9. US Army Corp of Engineer permit requirements are meet prior to development of the industrial area.
10. Require parking spaces for the entire development meet the county's standards of 9' x 20'.
11. Allow only those uses permitted in zoning districts O-1 through B-3 for the Retail/Commercial area west of Mud Creek to State Route 235.
12. The excluded uses proposed (see attached) to include Resource and Mineral Extraction, Penal & Correctional Facilities, Sanitary Landfills, Day-care Centers, Nursing Homes, Convalescent Homes, Motor Vehicle, Boat & Camper Storage, Automotive Body Shop, Mini-warehouse or Self-storage Facilities for the Industrial area.
13. Approval of bridge design and location by the Clark County Engineer prior to development of the Industrial area.
14. Review and approval of utility design of entire development prior to development.
15. Amend the entrance from State Route 235 from a proposed 60' right-of-way to a 75' boulevard.
16. Limit the maximum density for the Multi-Family Residential area to 120 units.
17. A minimum buffer width of 50 feet shall be provided for the stream corridor of Mud Creek.
18. A study of the aquifer and the effect on surrounding wells.

VOTE: Motion carried unanimously.

Adjournment

RZC: 9-25-2003: Adjournment

Motion by Mr. Baird, seconded by Mrs. Taylor to adjourn the meeting.

VOTE: Motion carried unanimously.

The meeting was adjourned at 10.51 a.m.

_____

Philip H. Tritle, Secretary

NOTE FOR MINUTE BOOK: See additional information included following the minutes.

Rezoning Case # Z-2003-12

To: Clark County Rural Zoning Commission	Date of Meeting: December 10, 2003
From: Planning Staff	Date of Report: November 24, 2003

Applicant: Care Spring Health Care Management

Request Action: Rezone from R2-A (Medium Density Single-Family Residence District) to O-1 (Office Business District)

Purpose: To use for Doctor's Office

Location: 8801 Dayton Springfield Road

Size: 0.89 acres

Existing Land Use: Nursing Home, parking lot

Surrounding Land Use and Zoning

	Land Use	***Zoned***
North	Business	B-3 (General Business)
South	Nursing Home & Residential	R-2A (Medium Density Single-Family)
East	Residential	R-2 (Low Density Single-Family)
West	Business & Residential	B-3 (General Business) & R-1 (Rural Residence)

ANALYSIS

The property in question received a conditional use for a nursing home on November 21, 1996.

County Engineer

The County Engineer has reviewed the request by the DaySpring Health Care, to rezone approximately 25,000 square feet from R-2A to O-1 to facilitate development of a medical office building.

Concerning access, the property has frontage along Dayton Springfield Road, which is classified as a major collector on the ODOT's Functional Class Map and Snider Road a local collector. The zoning map shows access from within the DaySpring property, which has an access off the stub end of Court Ridge Land. The applicant may gain access from the current drive, which provides ingress and egress to DaySpring or directly from Court Ridge Lane if desired. Access from Dayton or Snider Road is not recommended.

Concerning drainage, the site appears to drain in a satisfactory manner under the present use. The site developer will be required to provide for the effects of accelerated runoff by including storage on site.

The County Engineer has no objection to rezone 25, 000 square feet from R-2A to O-1.

Soil Conservation

The Clark County Soil and Water Conservation District has reviewed the proposed site. The site appears to drain in a satisfactory manner under the present use. The site developer will be required to provide storm water treatment under the proposed use.

This office does not object to the proposed zoning request.

Mad River Township Planning Committee

After the review requested by the Mad River Township Trustees, the Mad River Township Planning Committee recommends approval of the proposed rezoning and use of the subject site located at the Southwest corner of Dayton Road and Snider Road in Mad River Township.

This committee regards the proposed use as an asset to the community and considers it to be consistent with the Mad River Township Land Use Plan. The MRTPC would also like to extend an invitation to the applicant to meet with us at the regular monthly meeting on December 8 at 7:00 PM, in the Township meeting room to brief committee members on the proposed landscaping plan. Primary points of interest are the landscaping itself, parking and plans for stormwater retention. We look forward to hearing about the project.

Mad River Township Trustees

The Mad River Township Trustees wish to notify you that they have reviewed the recommendation of the Township Planning Committee and the concur with the recommendation for approval of the proposed rezoning and use of the subject site located at the southwest corner of Dayton Springfield Road and Snider Road in Mad River Township.

We regard the proposed use as an asset to the community and consider it to be consistent with the Mad River Township Land Use Plan.

Planning Department

This property is classified by the Clark County Land Use Plan as Community Commercial. Development along commercial corridors should meet the County's access management standards in terms of combined access. A low-density, sprawled commercial pattern is not supported along the County's major arterials.

RECOMMENDATION

Planning staff recommends approval of the rezoning request from R2-A (Medium Density Single Family Residence District) to O-1 (Office Business District)

Attachments:

1. *County Engineer's letter*
2. *Soil & Water Conservation's Letter*
3. *Mad River Township Trustee's Letter*
4. *MRTPC's Letter*
5. *Zoning Map*

Clark County Planning Commission
December 3, 2003

Motion by Mr. Perkins, seconded by Mr. Bicknell to recommend ***Approval*** to the Rural Zoning Commission for the request of Care Spring Health Care Management to rezone .89 acres located at the 8801 Dayton Springfield Road, Mad River Township from R-2A (Medium Density Single-Family Residence District) to ***O-1 (Office Business District).***

VOTE: Motion carried unanimously.

Exhibit F

Clark County Engineer's Department

Bruce C. Smith, P.E., P.S.
Clark County Engineer

4075 Laybourne Rd. Springfield, Ohio 45505	Office # (937) 328-2484 Fax # (937) 328-2473	E-Mail engineer@co.clark.oh.us

September 5, 2002

McBride, DALE Clarion
5725 Dragon Way, Suite 220
Cincinnati, Ohio 45227
Attention: Anne F. McBride, AICP

Re: Rezoning Request
DaySpring Health Care
0.57 Acres (25,000 SF) ~R2-A to O-1

Ms. McBride

The County Engineer has reviewed the request by the DaySpring Health Care, to rezone approximately 25,000 SF (0.57 acres per letter) at SW corner Dayton Springfield and Snider Roads in Mad River Township from R2-A to O-1, to facilitate development of a medical office building.

Concerning access, the property has frontage along Dayton Springfield Road, which is classified as a Major Collector on the ODOT's Functional Class Map and Snider Road a local collector. The zoning map shows access from within the DaySpring property, which has an access off the stub end of Court Ridge Lane. The applicant may gain access from the current drive, which provides ingress and egress to DaySpring, or directly from Court Ridge Lane if desired. Access from Dayton Road or Snider is not recommended.

Concerning drainage, the site appears to drain in a satisfactory manner under the present use. The site developer will be required to provide for the effects of accelerated runoff by including storage on site.

The County Engineer has no objections to the request to rezone 0.57 acres (25,000 SF) from R2-A to O-1, relative to access or drainage.

Sincerely,
Bruce C. Smith P.E., P.S.
Clark County Engineer

K. Dean Fenton P.S.
Deputy Engineer

Copy: Clark County Planning

I:\ZONING\2002 Zoning\DaySpring.doc

Donald Boyle – Road Maintenance Superintendent
Paul W. DeButy P.E. – Design Engineer
Doug Frank – Bridge Superintendent
K. Dean Fenton, P.S., Deputy – Inspections / Permits
Bill Pierce, P.S. – LIS Director
Lisa Massie – Administrative Asst.
Mark Niccolini – Ditch Maintenance Supervisor
Lew Richards – Traffic Supervisor
Ned Weber, Deputy – Operations / Maintenance

Exhibit E

4400 Gateway Blvd. - Suite 103
Springfield, Ohio 45502

Phone (937) 328-4600/4601
Fax (937) 328-4606

With the Right to Own – Goes the Duty to Conserve

BOARD OF SUPERVISORS
Alan Donaldson, Chairman
Paul Snyder, Vice Chairman
Paul Wilson, Fiscal Agent
John Ritter, Secretary
David Stickney, Treasurer

September 10, 2002

McBride Dale Clarion
Anne McBride
5725 Dragon Way, Suite 220
Cincinnati, Ohio 45227

Re: Proposed Rezoning R2-A to O-1, 8801Dayton Springfield Rd.
DaySpring Health Care, Mad River Twp.

Ms. McBride,

The Clark Soil & Water Conservation District has reviewed the proposed site. The site appears to drain in a satisfactory manner under the present use. The site developer will be required to provide stormwater treatment under the proposed use.

This office does not object to the proposed zoning request.

Respectfully,

Christine Pence
Urban Coordinator

Mad River Township Trustees

Box 34, Enon, Ohio 45323
Jim Schumann Robert McClure, Jr. Kathy Estep

November 17, 2003

Clark County Planning Commission
25 West Pleasant St
Springfield, OH 45506

Dear Commissioners,

The Mad River Township Trustees wish to notify you that they have reviewed the recommendation of the Township Planning Committee and they concur with the recommendation for approval of the proposed rezoning and use of the subject site located at the southwest corner of Dayton Springfield and Snider Roads in Mad River Township.

We regard the proposed use as an asset to the community and consider it to be consistent with the Mad River Township Land Use Plan.

Sincerely,

Jim Schumann Robert McClure, Jr. Kathy Estep

Mad River Township Planning Committee
Clark County, Ohio

11 November, 2003

Clark County Planning Commission
25 West Pleasant Street
Springfield, Ohio 45506

To Whom It May Concern:

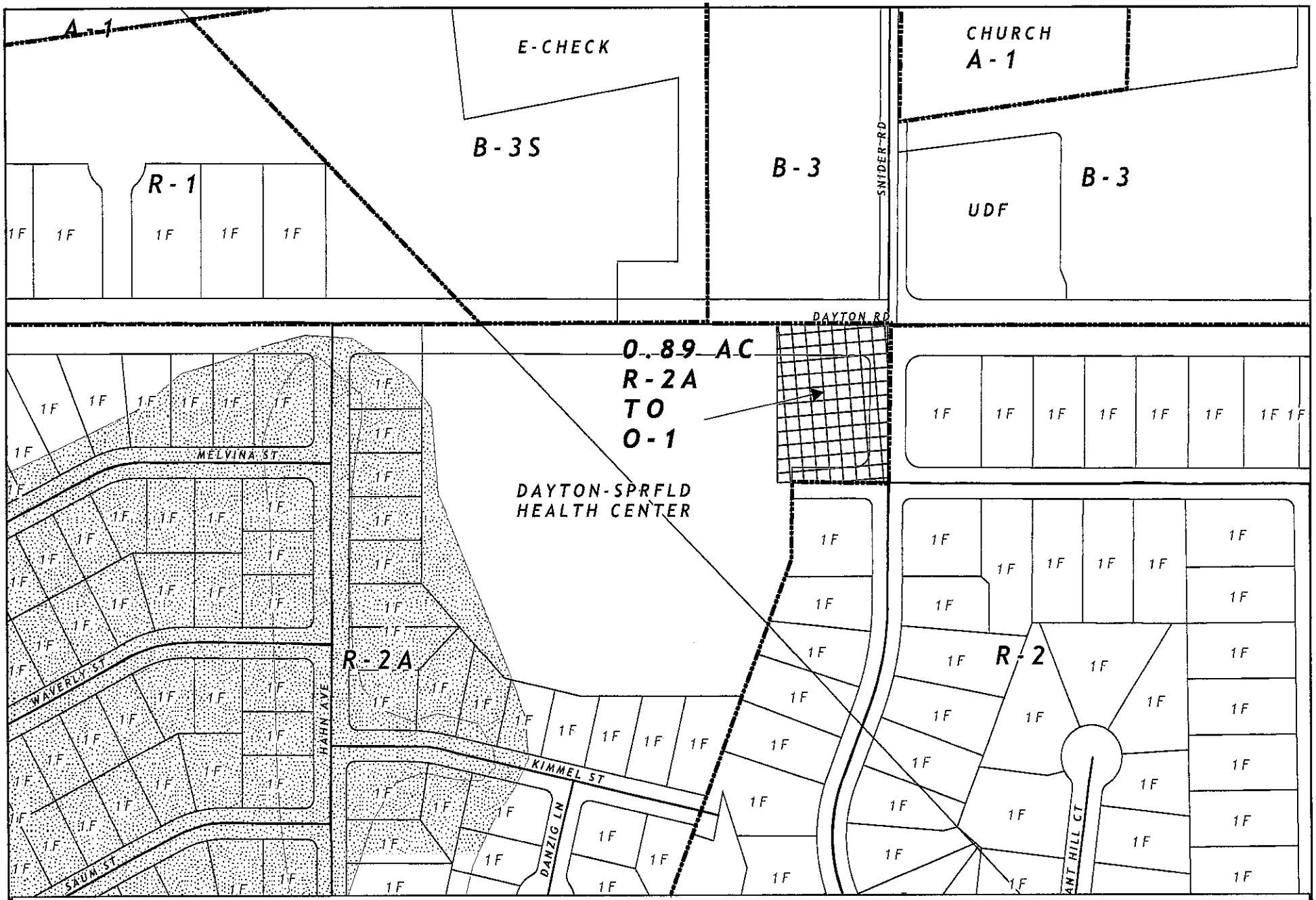
After the review requested by the Mad River Township (Clark County) Trustees, the Mad River Township Planning Committee (MRTPC) recommends approval of the proposed rezoning and use of the subject site located at SW corner Dayton Springfield and Snider Roads in Mad River Township. Subject rezoning is to be from R2A to O-1.

This committee regards proposed use as an asset to the community and considers such to be consistent with the Mad River Township Land Use Plan. The MRTPC would also like to extend an invitation to the applicant to meet with us at the regular monthly meeting on 8 December 2003 at 7:00 P.M., in the Township meeting room to brief committee members on the Proposed Landscaping Plan. Primary points of interest are the landscaping itself, parking and plans for rainwater retention. We look forward to hearing about the project.

Sincerely,

W. "Rusty" Cottrel
Chairman

CC to: K. Estep
R. Jurick



CASE# : Z-2003-12
MAD RIVER TWP.
CARE SPRING HEALTHCARE MANAGEMENT
8801 DAYTON-SPGFLD RD.
0.89 AC R-2A TO O-1

0 100 200 Feet

AREA FOR REZONING
FLOOD PLAIN
ZONING BOUNDARY

Clark County Planning Commission
GIS
Geographic Information System
CASE:Z-2003-12.MXD

CLARK COUNTY ZONING

May 2003

General Uses - see zoning text for details and other restrictions

A-1

PRINCIPAL PERMITTED AND CONDITIONED USES:
1. Agriculture, Farm Markets, & related buildings & structures
2. Agricultural-Related Processing & Marketing
3. Single-Family Residential
4. Single-Family Residential (restricted to lotsplits)
5. Single-Family Residential (restricted to cluster lotsplits & bonus cluster lotsplits)
6. Private Landing Field
7. Day-Care Homes
8. Bed and Breakfast
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)
1. Home Occupations
2. Private and Public Outdoor Recreation Areas
3. Cemeteries
4. Animal Hospitals, Veterinary Clinics & Kennels
5. Resource and Mineral Extraction
6. Demolition Disposal Facility
7. Airports
8. Radio, Television, & Telecommunications Transmission & Receiving Towers
9. Hospitals and Auxiliary Facilities
10. Group Care Home
11. Nursing Homes, Convalescent Homes, & Rest Homes
12. Feed Lot, Grain Elevators, & Slaughterhouses
13. Day-Care Centers
14. Churches and Similar Places of Worship
15. Primary and Secondary Schools
16. Institutions of Higher Learning
17. Garden Centers and Greenhouse

AR-1, AR-2, AR-5, AR-10, & AR-25

PRINCIPAL PERMITTED AND CONDITIONED USES:	AR-1	AR-2	AR-5	AR-10	AR-25
1. Agriculture, Farm Markets, & related buildings & structures	Y	Y	Y	Y	Y
2. Single-Family Residences	Y	Y	Y	Y	Y
3. Day-Care Homes	Y	Y	Y	Y	Y
4. Bed and Breakfast	Y	Y	Y	Y	Y
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	**AR-1**	**AR-2**	**AR-5**	**AR-10**	**AR-25**
1. Home Occupations	Y	Y	Y	Y	Y
2. Churches and Similar Places of Worship	Y	Y	Y	Y	Y
3. Primary and Secondary Schools	**N**	Y	Y	Y	Y
4. Institutions of Higher Learning	**N**	**N**	Y	Y	Y

R-1, R-2, R-2A, R-2B

PRINCIPAL PERMITTED AND CONDITIONED USES:	R-1	R-2	R-2A	R-2B
1. Single-Family Dwellings	Y	Y	Y	Y
	N	Y	Y	Y
	N	**N**	Y	Y
	N	**N**	**N**	Y
2. Bed and Breakfast	**Y**	Y	Y	Y
	N	Y	Y	Y
	N	**N**	Y	Y
	N	**N**	**N**	Y
3. Agriculture and Related Buildings and Structures	- -	- -	- -	- -
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	**R-1**	**R-2**	**R-2A**	**R-2B**
1. Home Occupation	Y	Y	Y	Y
2. Churches & similar places of worship	Y	Y	Y	Y
3. Primary & Secondary Schools	Y	Y	Y	Y
4. Institutions of Higher Learning	Y	**N**	**N**	**N**
5. Hospitals & Auxiliary Facilities	Y	Y	Y	**N**
6. Group Care Homes	Y	Y	Y	Y
	N	Y	Y	Y
	N	**N**	Y	Y
	N	**N**	**N**	Y
7. Farm Markets	Y	Y	Y	Y
8. Cemeteries	Y	**N**	N	N
9. Day-Care Homes	Y	Y	Y	Y
	N	Y	Y	Y
	N	**N**	Y	Y
	N	**N**	N	Y
10. Nursing Homes, Convalescent Homes, Rest Homes	Y	Y	Y	**N**
11. Radio, Television & Telecommunication Transmission / Receiving Towers	Y	**N**	**N**	**N**
12. Zero Lot Line, Cluster, Detached, Semi-detached Dwellings, or other housing types of a similar character	**N**	Y	Y	Y

R-MHP

PRINCIPAL PERMITTED USES:
1. Mobile Homes
2. Manufactured Homes
3. Communal Facilities

Y = Yes (Permitted) N = No (Not Permitted)

R-3 & R-4

PRINCIPAL PERMITTED AND CONDITIONED USES:	R-3	R-4
1. Single-Family Dwellings	Y	Y
2. Two-Family Dwellings	Y	Y
3. Three-Family Dwellings	**N**	Y
4. Four-Family Dwellings	**N**	Y
5. Multiple-Family Dwellings	**N**	Y
6. Condominium Residences	**N**	Y
7. Agriculture and Related Buildings & Structures	Y	Y
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	**R-3**	**R-4**
1. Zero Lot Line, Cluster, Detached, Semi- detached, or Attached Dwellings, or other housing types of a similar character	Y	Y
2. Home Occupation	Y	Y
3. Churches & similar places of worship	Y	Y
4. Group Care Homes	Y	Y
5. Day-Care Homes	Y	Y
6. Day-Care Centers	**N**	Y
7. Community Facilities	**N**	Y

PD

PRINCIPAL PERMITTED USES:
1. PD-R (Residential
2. PD-O (Office)
3. PD-B (Business)
4. PD-I (Industrial)
5. PD-M Mixed Uses)
6. PD-C (Conservation)
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)
1. Home Occupation

CLARK COUNTY ZONING

General Uses - see zoning text for details and other restrictions

B-1, B-2, B-3 & B-4

PRINCIPAL PERMITTED AND CONDITIONED USES:	B-1	B-2	B-3	B-4
1. Business and/or Professional Offices	Y	Y	Y	Y
2. Banks & Financial Institutions	Y	Y	Y	Y
3. Eating & Drinking Places, excluding Drive-in or Carry-out	Y	Y	Y	Y
4. Radio and Television Broadcasting Studios	Y	Y	Y	Y
5. Funeral Homes & Mortuaries	Y	Y	Y	Y
6. Automotive Service Stations	Y	Y	Y	Y
7. Custom Butcher Shops	Y	Y	Y	Y
8. Indoor Motion Picture Theaters	**N**	Y	Y	Y
9. Retail Food Stores	**N**	Y	Y	Y
10. Drive-in, Fast Food, Drive-in Carry-out Restaurants and/or Drive- through Retail Establishments	**N**	Y	Y	Y
11. Garden Centers, Greenhouses	**N**	Y	Y	Y
12. Automotive Repair Garages	**N**	Y	Y	Y
13. Car Washes	**N**	Y	Y	Y
14. Air Conditioning, Plumbing, Heating, and Roofing Shops	**N**	Y	Y	Y
15. Automotive & Auto Accessory Sales	**N**	Y	Y	Y
16. Building and Related Trades	**N**	Y	Y	Y
17. Commercial Recreation Establishments	**N**	Y	Y	Y
18. Animal Hospitals, Veterinary Clinics, and Kennels	**N**	**N**	Y	Y
19. Building Material Sales Yard	**N**	**N**	Y	Y
20. Drive-In Motion Picture Theater	**N**	**N**	Y	Y
21. Private and Public Out-door Recreation Areas	**N**	**N**	Y	Y
22. Motels and Hotels	**N**	**N**	Y	Y
23. Hospitals & Auxiliary Facilities	**N**	**N**	Y	Y
24. Automotive Body Shop	**N**	**N**	Y	Y
25. Carpenter, Sheet Metal & Sign Painting Shop, Bakery, Laundry, Wholesale Business	**N**	**N**	**N**	Y
26. Bottling of Soft Drinks and Milk or Distributing Stations	**N**	**N**	**N**	Y
27. Contractor's Equipment StorageYard or Storage & Rental Contractor's Equipment	**N**	**N**	**N**	Y
28. Motor Vehicle, Boat, & Camper Storage	**N**	**N**	**N**	Y
29. Trucking and Motor Freight Station or Terminal	**N**	**N**	**N**	Y
30. Carting, Express, or Hauling Establishments	**N**	**N**	**N**	Y
31. Stone or Monument Works	**N**	**N**	**N**	Y
32. Mini-Warehouse or Self Storage Facilities	**N**	**N**	**N**	Y

B-1, B-2, B-3 & B-4

CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	B-1	B-2	B-3	B-4
1. Commercial Recreation Establishments	Y	- -	- -	- -
2. Day-Care Centers	Y	Y	Y	Y
3. Nursing Homes, Convalescent Homes, Rest Homes	Y	Y	Y	Y
4. Clubs, Fraternal or Lodge Organizations	Y	Y	Y	Y
5. Animal Hospitals, Veterinary Clinics, and Kennels	Y	Y	- -	- -
6. Bars and Taverns	**N**	Y	Y	Y
7. Wholesale Establishments	**N**	**N**	Y	Y
8. Adult Entertainment Establishments	**N**	**N**	**N**	Y

O-1 & OR-2

PRINCIPAL PERMITTED AND CONDITIONED USES:	O-1	OR-2
1. Business and/or Professional Offices, including Medical and Dental Clinics	Y	**N**
2. Banks and Financial Institutions	Y	**N**
3. Law, Real Estate, and Insurance Offices	Y	**N**
4. Business Service Establishments	Y	**N**
5. Single-Family Dwellings	**N**	Y
6. Incidental Business Uses	**N**	Y

I-1

PRINCIPAL PERMITTED AND CONDITIONED USES:

1. Industrial & Manufacturing Establishments
2. Warehouses
3. Wholesale Establishments
4. Manufacturing Retail Outlets
5. Any use permitted and as regulated as a Principal Permitted or Conditioned Use in the B-4 District

CONDITIONALLY PERMITTED USES: (Requires BZA Approval)

1. Any use permitted and as regulated as a Conditionally Permitted Use in the B-4 District
2. Junkyards & Automobile Wrecking Yards
3. Resource and Mineral Extraction
4. Penal & Correctional Facilities
5. Sanitary Landfills

Y = Yes (Permitted) **N** = No (Not Permitted)