

Minutes

CEDA Regional Planning Commission

Regular Meeting ~ 4:04 pm.
Thursday, January 9, 2020

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Mrs. Charlene Roberge, Acting Chairperson of the CEDA Regional Planning Commission, called the meeting to order at 4:00 pm. and asked for the Roll Call.

Present For Roll Call: Ms. Theresa Hartley, Mr. Charles Morris, Mrs. Charlene Roberge and Ms. Kathryn Lewis-Campbell.

Absent For Roll Call: Mr. Mike Hanlon, Mr. Dan Kelly and Mr. Dick Shaw.

Approval of the October 3, 2019 Minutes

Motion by Ms. Hartley, seconded by Mr. Morris, to **Approve** the minutes as presented.

VOTE: Yes: Ms. Hartley, Mr. Morris, Mrs. Roberge and Ms. Lewis-Campbell.

No: None.

Motion carried.

Acting Chairperson Roberge asked Staff to present the case.

Case #S-2020-01 ~ Property Owner/Applicants: Ken & Tamara Rice ~ Location: 2671 Preston Dr.; Springfield Twp., ~ Request to rezone 3.85 acres from R-1 to PD-3 (Planned Business District) to allow for a single-family residence plus allowing “a part time retirement style small business” (sheet metal and suspension replacement on classic collector vehicles).

Mr. Allan Neimayer, Senior Planner, stated that the subject property is located at 2671 Preston Dr. and consists of 3.85 acres. The property is currently zoned R-1 (Single-Family Residential District). The Applicant would like to rezone the property from R-1 to PD-3 (Planned Business District) to allow for a single-family home and a part-time professional sheet metal and suspension replacement (welding) on classic collector vehicles business. See attached narrative from the Applicant explaining details of the proposed business. Mr. Neimayer reviewed the intent of Planned Development Districts. He then reviewed the PD-3 Development Standards: Permitted uses are: A) retail, service and office establishments developed, operated and maintained with an organized development of associated activities in accordance with the approved Development Plan; and B) residential uses. Area Requirements: The minimum area for PD-3 shall be five acres. Relations to Major Transportation Facilities: Property less than 20 acres shall have direct access to at least one major thoroughfare as established on the county's Thoroughfare Plan. Landscaping: Where lots in residential districts front onto residential streets at the boundary of the property, the nearest 30 ft. shall be maintained in landscaping and no off-street parking shall be permitted in such area. Off-Street Parking: Shall be provided at the minimum ratio of 5.5 spaces per one thousand sq. ft. of gross leasable floor area (tenant occupancy and use). In addition, two spaces shall be provided for each dwelling.

The CONNECT Clark County Land Use Plan identifies the subject area as Traditional Neighborhood, Low Intensity: Primarily residential area featuring a mix of housing types on small lots with a single-family neighborhood appearance. These neighborhoods can include appropriately scaled nodes of small-scale retail and/or office uses at key intersections. There is no floodplain in the immediate area

of the subject property. There are no public utilities in the immediate area of the subject property. The City of Springfield has a 36-inch sanitary sewer main that runs diagonal across the southern part of the subject property. The current right-of-way of Moorlands Dr. is 60 ft. and for Preston Dr. is 50 ft. The Thoroughfare Plan identifies both Moorlands Dr. and Preston Dr. as local roads and therefore follow current ROW. The subject property is approximately ¼ mile (1,292 ft.) from W. Possum Rd., a Collector Road on the Thoroughfare Plan. The access point to the subject property is off of Preston Dr., an additional 960± ft.

Mr. Neimayer then reviewed the Approval Standards for Planned Development

- A. The Planned Development can be substantially completed within the period of time specified in the schedule of development submitted by the developer. The Planned Development will not jeopardize the public health, safety and morals.
- B. The site will accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed Development and the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed Development. Traffic controls signals will be provided without expenses to Clark County when the County Engineer determines that such signals are required to present traffic hazards or congestion in adjacent streets.
- C. The Development will not impose an undue burden on public services and facilities, such as fire and police protection.
- D. The development Plan contains such proposed covenants, easements and other provisions relating to the proposed development standards, as reasonably are required for the public health, safety and morals.
- E. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with surrounding land uses, and ant part of a planned Development not used for structures, parking and loading areas, or access ways, shall be landscaped or otherwise improved.
- F. When a business or manufacturing structures or uses in a planned development district about a residential district, screening shall be provided as provided in Article 22, 23, 24, and 25. In no event shall a business or manufacturing structure in a planned development district be located nearer than one hundred (100) feet to a residential building.

The property in question does not meet the minimum area requirement nor is it located along a major thoroughfare, both requirements for PD-3 Zoning (Section 2402). The subject property is not part of the Possum Woods Subdivision. However, it is within an established single-family neighborhood. Although the permitted uses(s) can be limited under a Planned District zoning, from a land use perspective, Staff feels it would be wrong to amend the zoning map to allow a non-residential use that otherwise is not permitted under B-1 Zoning (Neighborhood Business District) for a property not located on a major thoroughfare. Therefore, Staff recommends the Applicant's request to rezone the subject property from R-1 to PD-3 be denied.

Mr. Morris asked, is the business currently active? Mrs. Jennifer Tuttle, Planner, responded, it came from a zoning complaint and we followed up to find out exactly what was going on. Acting Chairperson Roberge asked, who complained? Mrs. Tuttle responded a neighbor. Acting Chairperson Roberge asked, was it about the noise? Mrs. Tuttle responded it was not only about the noise, it was that someone was running a business in "my neighborhood", can they run a business here? Acting Chairperson Roberge added, which is a residential neighborhood. Acting Chairperson Roberge asked that in one of the pictures it showed a red building, is that building there now? Mr. Neimayer responded yes, that is the accessory structure.

Kenny Rice, Applicant, 2671 Preston Dr. approached the podium. Mr. Rice explained they have lived in the neighborhood for over 25 years and know the neighbor. When I received the (code enforcement) letter I immediately called Mrs. Tuttle and explained the operation. The equipment that I do have is "hobby level" equipment and not setup for commercial. I have a 40-year old mill in there that I use as a drill press. What I am asking for is the Board to consider my customer base, which is five to ten classic cars per year. I am only replacing sheet metal. No body work, no engine work, no transmission work. I am not interested in oil changes, etc. – no fluids. I have spent 25 years at Honda. I am a white body expert: my understanding of the vehicle, how it goes together and how it comes apart and how to repair it to make it safe. Most of my friends own classic cars and that is how this started. They asked me if I would be interested in doing some of this once I retire. I have restored around 20 classic vehicles. I have restored cars in the attached garage for less than five weeks.

Acting Chairperson Roberge explained it is challenging because it is a residential neighborhood and if we allow you to have your business there then your neighbor decides he wants a business there, and so on. Ms. Hartley asked about the complaint. Mrs. Tuttle explained the complaint came in off of the county's Facebook page, but did not go into detail. Ms. Hartley asked the Applicant what hours he works on the cars. Mr. Rice replied, I have a full-time job so I usually work on the cars between 4 to 9 pm, but that is adjustable.

Mr. Rice explained that once I found out about the complaint, I went around and explained to all my neighbors what I have been doing and what rezoning I was asking for. I have a list of my neighbors' signatures in support.

Acting Chairperson Roberge explained the challenge is if you sell the property, the next person can continue the business that may be a problem and there will be nothing we can do because it is already re-zoned to PD-3. Ms. Hartley added you do not meet the minimum standards for the rezoning. Mr. Rice asked because I do not meet the requirements of the rezoning, would we be able to add a conditional use as long as I own the property?

Mr. Morris asked how close is the closest neighbor? Mr. Rice responded Mr. Cook is probably my closest neighbor.

Acting Chairperson Roberge stated another problem we run into is it will hurt property values as well. Mr. Rice stated I do not want to hurt property values. My family has purchased a lot of homes on the road. I do not want to create an issue with the neighborhood.

Mr. Rice asked if he bought more acres would it help? Acting Chairperson Roberge replied the challenge is you are still in a residential neighborhood trying to run a business that we have already received a complaint about. She added it is bringing more traffic down a residential area and there is not a major thoroughfare. Mr. Rice asked how that compares to Amazon deliveries and more traffic in the area. Acting Chairperson Roberge responded because Amazon does not have a building in a residential neighborhood.

Mr. Rice asked for an explanation on why it would hurt property values. Acting Chairperson Roberge responded there are rules in place for residential neighborhoods to protect the residential properties and keep them as such. My point is you want to run this business in a residential neighborhood. You need to find a place to run your business that is not in a residential neighborhood. If we say yes to you, and then someone else comes in wanting to do the same thing, it makes it difficult to say no to them. Putting a business in makes it difficult to keep the property values up.

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Mr. Rice stated he appreciates the concern for property values and would still like to go through the process. Ms. Hartley asked, did you specifically build this structure for this business? Mr. Rice responded I built it for my vehicles. Mr. Morris asked where he stored cars. Mr. Rice replied, I pay for storage for two of them. Ms. Hartley asked how big the structure is. Mr. Rice replied, 32 ft. by 56 ft.

Action on Case #S-2020-01 ~ Property Owner/Applicants: Ken & Tamara Rice ~ Location: 2671 Preston Dr.; Springfield Twp., ~ Request to rezone 3.85 acres from R-1 to PD-3 (Planned Business District) to allow for a single-family residence plus allowing “a part time retirement style small business” (sheet metal and suspension replacement on classic collector vehicles).

Motion by Ms. Hartley, seconded by Ms. Lewis- Campbell, to **Approve** the Applicant’s rezoning request as presented.

VOTE: Yes: None.

No: Ms. Hartley, Ms. Lewis-Campbell, Mr. Morris and Mrs. Roberge.

Motion failed. A recommendation to deny the Applicant’s rezoning request will be forwarded to the Springfield Township Zoning Commission.

Staff Comments

Mr. Neimayer stated the next scheduled meetings are February 6 and March 5, 2020.

Adjournment

Motion by Mr. Morris, seconded by Ms. Hartley, to **Adjourn**.

VOTE: Motion carried unanimously.

The meeting was adjourned at 4:33 pm.

Mrs. Charlene Roberge, Acting Chairperson