

Minutes

Clark County Planning Commission

Regular Meeting ~ 2:00 p.m.
Wednesday, February 2, 2022

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Mark Scholl, Vice-Chairperson of the Clark County Planning Commission, called the meeting to order at 2:00 pm. and asked for the Roll Call.

Present For Roll Call: Mr. Dave Stickney, Mr. Jay Kitchen, Ms. Kerri Brammer, Mr. Mark Scholl, Mr. Don Wallace, Commissioner Melanie Wilt, Commissioner Lowell McGlothlin and Mrs. Jo Anderson.

Absent For Roll Call: Commissioner Lohnes & Ms. Louise Maurer.

Also in Attendance: Mr. Allan Neimayer, Mrs. Jennifer Tuttle and Mrs. Rachel Clime-Ricketts from Clark County Community and Economic Development.

Mr. Neimayer explained that Ken Knight has resigned from the Clark County Planning Commission Board due to health reasons. Mr. Neimayer also noted that Ms. Maurer is out of town and it is up to the Board to excuse her absence.

Motion by Mrs. Anderson, seconded by Mr. Wallace, to **Excuse** Ms. Maurer absence.

VOTE: Motion carried unanimously.

Approval of the January 5, 2022 Minutes

Motion by Mr. Stickney, seconded by Commissioner Wilt, to **Approve** the minutes as presented.

VOTE: Yes: Mr. Stickney, Commissioner Wilt, Mr. Wallace, Mrs. Anderson, Mr. Scholl, Commissioner McGlothlin, Mr. Kitchen and Mrs. Brammer.

No: None.

Motion carried.

Vice-Chairperson Scholl asked Staff to present the case.

Rezoning Case #Z-2022-01 ~ Property Owner/Applicant: Fred Messaros ~ Location: 1291 Cold Springs Rd., Mad River Twp. ~ Request: to rezone 151+ acres from A-1 to PD-B to allow for commercial indoor and outdoor recreational activities

Mr. Allan Neimayer, Senior Planner, stated that the subject property is located at 1291 Cold Springs Rd. in Mad River Twp. The request involves Parcels Nos. #180-06-00021-000-088 & -089, and consists of 151+ total acres. The property is currently zoned A-1 (Agricultural District). The Applicant would like to rezone the property to allow for commercial indoor and outdoor recreational activities for the following: haunted house, escape rooms, clown tent, corn maze, live entertainment, pumpkin glow, corn maze Christmas drive thru. The majority of the property will continue to be used for agricultural purpose. Mr. Neimayer reviewed slides of existing zoning and land use of the area.

Mr. Neimayer stated the Applicant's original request was to rezone the property to B-3 (General Business District) to allow commercial indoor and outdoor recreational activities. As non-residential uses, zoning regulations require all parking and related areas to be paved or similar type surface. Therefore, the Applicant has amended the rezoning request to PD-B (Planned Development-Business District) for the same commercial recreational activities listed above and to allow all parking and related areas to be a non-paved surface.

The B-3 District is intended to provide land for a full range of retail, professional, personal service, or other commercial uses whose trade areas extend beyond a particular neighborhood or even beyond a township or Clark County, and whose uses would not be compatible with the uses permitted in other commercial districts and which would be detrimental to adjoining residential areas unless effectively controlled.

The intent of the PD-B District is to: Provide for business establishments seeking to develop within unified commercial areas, usually under single ownership and control, and typically called "shopping centers"; Achieve harmoniously designed structures upon a well landscaped site, achieving a high degree of pedestrian-vehicular separation, all of which would be compatible with surrounding land uses; Develop such centers with all necessary services and facilities comprehensively provided in accordance with an approved development plan; Encourage and preserve opportunities for energy efficient development; and Promote an attractive environment that is compatible with surrounding developments.

Mr. Neimayer stated public utilities are not available. The Applicant will need to work with the Health District, or Ohio EPA, for on-site utilities servicing the recreational activities.

The right-of-way status of Cold Springs Rd. is unclear and the County Engineer's Office is researching this. From the county GIS aerial, Cold Springs Rd. starts out at approximately 20 ft. in width coming off of Dayton-Springfield Rd. for the first 705 ft. then narrows to approximately 15 ft.

The proposed parking area is approximately 3 to 4 acres. The Applicant would like to use this area for agricultural purpose during other times of the year and thus does not want to pave the parking area. Hence the Applicant's reasoning for PD-B zoning vs. B-3 zoning.

With the size of the property over five acres, rezoning the property to a "B" District or to a Planned Development District will not prevent agricultural use on the property, this in accordance with state law. The Applicant has operated a seasonal haunted house, a commercial use, for many years. Approval of this rezoning request would bring that use into zoning compliance.

Mr. Neimayer reviewed rezoning options:

A. If approved under the B-3 District, the Specific Use designation needs to be applied limiting uses to commercial indoor and outdoor recreational activities. This will allow the Applicant to add additional recreational activities while protecting against other "B" District uses that would be inappropriate.

B. If approved as a PD-B District, approval should only be for Preliminary Plan and subject to comments from the County Engineer's Office with regards to the right-of-way status of Cold Springs Rd. In regards to parking and related areas, Staff recommends that, at a minimum, they be a gravel surface due to potential erosion concern, anticipated volume of traffic by patrons, and for safe access by emergency vehicles. Depending on the County Engineer's Office's research on Cold Springs Rd. and its right-of-way status, further conditions of approval may become necessary. Final Plan approval shall be with the Zoning Inspector after receiving sign-off from the County Engineer's Office regarding

access and storm water management. At the Zoning Inspector's discretion, approval of the Final Plan shall go before the County Planning Commission.

Commissioner Wilt asked, is the only non-agricultural use they are proposing the haunted use? Mr. Neimayer responded the haunted house and corn maze. Commissioner Wilt replied, then that should fall under agricultural tourism. Mrs. Tuttle added it will also have escape rooms, which requires rezoning. Commissioner Wilt agreed that is different.

Mr. Wallace asked if this was a zoning complaint needing brought into compliance. Mr. Neimayer responded no. The Applicant came to Staff for the planned expansion.

Mr. Neimayer reviewed pictures taken of the site.

Mr. Wallace asked about comments from neighbors? Mr. Neimayer responded he has not received any comments. Commissioner Wilt stated it looks like their closest neighbor is Ohio Wellness.

Mrs. Anderson asked about the 200 feet to notify the adjacent neighbors. Mrs. Tuttle showed the surrounding property owners that will be notified that are within 200 feet of the property. Mrs. Anderson stated as long as those people are notified and they do not have a problem with the rezoning then I do not have a problem with it.

Mr. Wallace stated the Mad River is behind the property. Is there any issue with the proximity to the river? Mr. Neimayer responded no. He pointed out on the slide the blue area is the flood plain and the proposed activities are far enough away.

Mr. Stickney asked if the north end of Cold Springs Rd. is closed. Mr. Neimayer responded our Thoroughfare Plan identifies it as a local road all the way through. But, from what we are hearing from the County Engineer's Office, the public right-of-way ends here at the gate (he identified on the map).

Mr. Wallace asked will further development be reviewed by the County Engineer's Office? Mr. Neimayer responded if you move forward with the recommendation of the Planned District, Staff recommends approval of the Preliminary Plan that allows a follow up with the County Engineer's Office as we fine tune the PD-M requirements. There is no development text at this point. Staff will assist the Applicant the best we can to work through that process. Mrs. Tuttle notes she met the Applicant at the site along with Tom Bender from the County Engineer's Office as well as Larry Shafer and Zibby Dewitt from the Health District.

Mr. Scholl stated this used to be a seasonal type use. He asked is it now proposed to be a 365-day a year business? Mr. Neimayer responded he will differ that question to the Applicant, but noted there are plans to have other commercial and recreational activities, more than just seasonal.

Commissioner McGlothlin asked about camping or overnight stays? Mr. Neimayer responded I do not believe so but I will differ to the Applicant.

Fred Messaros, Owner/Applicant, 1291 Cold Spring Rd. explained all we want to do is add onto the haunted house and add a couple more buildings. This year we want to add a corn maze for little kids and the clown tent is for the grownups. We want to have the pumpkins in the back. The Christmas drive through is a year or two down the road. Right now, we just want everyone's thoughts.

Commissioner McGlothin asked if there will be any camping. The Applicant responded no, nothing overnight.

The Applicant explained the haunt is only open 14 nights out of the year. The pumpkins we might try and open Thursday through Sunday and have Friday and Saturday for the haunt. He added the escapes rooms will be something for the guests while waiting for the haunted houses.

Commissioner McGlothin asked about parking. The Applicant responded we do not want to do any pavement. We want to keep it agricultural.

Vice-Chairperson Scholl asked what is your history with the parking not being paved? The Applicant responded we have only had one or two nights with a problem with wet weather. The property slopes down by the dirt parking lot. It drains well. Vice-Chairperson Scholl then asked would you be opposed to having gravel isle ways? I am thinking in Christmas time with snow and ice and tracking mud out onto Cold Springs Road. The Applicant responded I am not opposed to it if we need to.

Vice-Chairperson Scholl stated I am all in favor of the project.

Commissioner Wilt asked do you farm the property. The Applicant responded no; the farming is leased out.

With no further questions from the Board, Vice-Chairperson Scholl asked for a motion.

Action on Rezoning Case #Z-2022-01 ~ Property Owner/Applicant: Fred Messaros ~ Location: 1291 Cold Springs Rd., Mad River Twp. ~ Request: to rezone 151+ acres from A-1 to PD-B to allow for commercial indoor and outdoor recreational activities.

Motion by Mrs. Anderson, seconded by Mr. Wallace, to **Approve** the rezoning case as presented under the PD-B Preliminary Plan approval with the Final Plan approval to be with the zoning inspector after receiving sign off from the County Engineer's Office.

Mr. Neimayer asked about parking and what the Board's recommendation is. Commissioner Wilt stated we need to be careful of overstepping because the property owner needs to be able to make decisions how they use their property. If gravel and composite is added to that area it will be really hard to go back to agricultural use. As long as it is in our zoning, I think we need to be careful of the changes we recommend and the possible adverse effect of the long-term use.

Mrs. Anderson stated in making the motion I felt that the amount of thought the Applicant has already put into the use of this property, I was comfortable with the Applicant upholding higher quality for customers.

VOTE: Yes: Mrs. Anderson, Mr. Wallace, Commissioner Wilt, Mr. Kitchen, Commissioner McGlothin, Mr. Scholl, Mr. Stickney and Mrs. Brammer.

No: None.

Motion carried.

Staff Comments

Mr. Neimayer stated the next scheduled meetings are March 2 & April 6, 2022.

Board Training:

Mr. Neimayer explained board training for the upcoming months. He then gave a presentation on land use planning tools available to the Board: the comprehensive plan; the zoning code and subdivision regulations (see attachment of the PowerPoint).

The Comprehensive Plan analyzes the community's development trends such as land use patterns; roads; utilities; open spaces; others (locally determined) to prepare recommendations on how the community should develop to meet its pre-determined goals. The Plan's goals and policy guidelines are used for mapping out the community's future development and growth. The Plan helps account for future demand for services including public water and sanitary sewer, roads, police and fire protection – plus schools and public open spaces.

The Zoning Code brings the comprehensive plan recommendations into reality by directing the physical development of land and the use of property typically by dividing the community into separate land use (zoning) districts and identifying what land uses are allowed within each district.

Subdivision Regulations establishes the procedures and standards to be followed when a parent parcel of land is divided into two or more parcels.

Mr. Neimayer concludes by explaining why we zone: to implement the land use recommendations of the comprehensive plan to protect the health and safety of the community.

Adjournment

Motion by Commissioner Wilt, seconded by Mr. Kitchen, to **Adjourn**.

VOTE: Motion carried unanimously.

The meeting was adjourned at 2:58 pm.

Mr. Mark Scholl, Vice-Chairperson