

Minutes

Clark County Rural Zoning Commission

Regular Meeting ~ 9:00a.m
Thursday, February 11, 2021

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

This meeting was conducted using zoom due to the COVID-19 Shelter in Place Order.

Mr. Ken Brust, Chairperson of the Clark County Rural Zoning Commission, called the meeting to order at 9:02 am and asked for the Roll Call.

Present For Roll Call: Mr. Ken Brust, Mr. Wayne Leis, Mr. John Hays, Mr. Bob Jurick and Mr. Larry Spahr

Absent For Roll Call: Mr. Pete Lane.

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

Approval of the January 14, 2021 Minutes

Motion by Mr. Leis, seconded by Mr. Hays, to **Approve** the minutes with the correction noted by Mr. Hays: Page 2, 3rd paragraph, change sentence to read: If the home were to be damaged by more than 50%, it could not be rebuilt.

VOTE: Yes: Mr. Leis, Mr. Hays, Mr. Brust, Mr. Jurick and Mr. Spahr.

No: None.

Motion Carried.

Approval of the January 21, 2021 Minutes

Motion by Mr. Spahr, seconded by Mr. Jurick, to **Approve** the minutes with the correction noted by Mr. Hays: Page 2, 4th paragraph, change sentence to read: The Applicant responded pole training is done during daytime only.

VOTE: Yes: Mr. Spahr, Mr. Jurick, Mr. Brust, Mr. Leis and Mr. Hays.

No: None.

Motion Carried.

Chairperson Brust explained how the meeting will be held and then asked Staff to present the first case.

Rezoning Case #Z-2021-03 ~ Property Owner: The OT Farms LLC ~ Applicant: Darcy Turner-Olinger ~ Location: 9316 W. National Rd., Bethel Twp. ~ Request: to rezone 41.11 acres from A-1 (Agricultural District) to PD-M (Planned District-Mixed Use) to renovate existing bank/pole barn combination to an event center.

Mr. Allan Neimayer, Senior Planner, stated the subject property is located at 9316 W. National Rd. and consists of 41.11 acres. The property is currently zoned A-1 (Agricultural District). The Applicant would like to rezone the property to PD-M (Planned District-Mixed Use) to allow for an event center (weddings, family reunions and etc.) Mr. Neimayer reviewed slides of existing zoning and land use of the subject area. He stated the Applicant has indicated that ODOT has given approval for the entrance/exit from US 40 (W. National Rd.).

Minutes

Clark County Rural Zoning Commission

Staff recommends the Applicant's request to rezone the subject property from A-1 to PD-M be approved subject to the following conditions:

1. A detailed site plan be prepared and submitted showing all existing and proposed buildings/ structures, parking area(s) meeting applicable requirements of Chapter 5.
2. Applicant shall provide copy of approval from the Combined Health District, or Ohio EPA as applicable, for provision and treatment of water and wastewater systems.
3. Applicant shall provide copy of approval from ODOT for the proposed development access to US 40.
4. Applicant shall receive approval from the County Engineer's Office for storm water management.

Mr. Neimayer stated the County Planning Commission met on February 3, 2021 to hear this rezoning case. Following discussion, the CPC recommends to the Rural Zoning Commission that the Applicant's rezoning request to PD-M be approved with the same four conditions as noted by Staff.

Mr. Spahr asked what the red line is. Mr. Neimayer responded the red line represents a prior lot line.

Mr. Jurick asked going to the PD-M if they wanted to add another residence would they have to come back? Mr. Neimayer responded, yes they would. Mr. Jurick then asked if they make changes over time to that plan how will that be handled? Mr. Neimayer responded it depends on the type of change. If it is a minor change it could be handled through Staff review. A major change would have to go through the rezoning process. The difference between major change and minor change is defined in the zoning regulations.

Mr. Jurick asked about the use of the remaining property. Mr. Neimayer responded it would be used for agriculture use.

With no further questions for Staff, Chairperson Brust opened the public hearing at 9:15 am. and asked if the Applicant would like to speak.

Brandy Triplett, 1396 W. Nation Rd., was sworn in. Mrs. Triplett stated she is a business partner of OT Farms. She stated that everything that was presented is what we want to keep so it does not look commercialized.

Darcy Turner-Olinger, Applicant, 6025 No. Ten Rd., Mechanicsburg, OH, was sworn in. Mrs. Turner-Olinger stated she does not have anything further to add at this time. They are working to get information from their engineer regarding storm water management. We have approvals from the Health District and ODOT and are working on the parking compliance.

With no questions for the Applicant, Chairperson Brust asked if there was anyone wants to speak in opposition of this request.

Ronald Jamison, 1429 New Carlisle, OH, was sworn in. Mr. Jamison asked about Number 7 on the development plan (proposed 30 ft. by 40 ft. barn for dwelling). Mr. Jamison spoke of current drainage onto his property. This proposed barn would possibly add more water and if they put parking back there it will not absorb water. This area could potentially have 200 acres of corn. Will they be able to have bon fires? Bon fires and corn fields do not go along very well.

The Applicant stated we are not going to permit any open flames, inside or outside. The shelter we are proposing to put by the pond area will be a dry shelter, no water. That shelter is strictly for wedding ceremonies, and once those are completed everything will be moved back inside.

Minutes

Clark County Rural Zoning Commission

Mr. Jamison stated that he is referring to the building back by the property line – Number 7. The Applicant responded we have not even decided on building that yet or not.

Mr. Neimayer stated a property owner cannot increase water run off onto an adjacent property.

The Applicant stated, if we were to build that building Number 7 we would add the correct spouting for run off. She spoke with one of the Commissioners last week and he wants to meet me out here about putting in a water way.

Mr. Jurick asked if building Number 7 was moved elsewhere would they need to come back? Mr. Neimayer responded yes they would.

With no further questions, Chairperson Brust closed the public hearing at 9:30 am. and asked for a motion.

Action on Rezoning Case #Z-2021-03 ~ Property Owner: The OT Farms LLC ~ Applicant: Darcy Turner-Olinger ~ Location: 9316 W. National Rd., Bethel Twp. ~ Request: to rezone 41.11 acres from A-1 (Agricultural District) to PD-M (Planned District-Mixed Use) to renovate existing bank/pole barn combination to an event center.

Motion by Mr. Leis, seconded by Mr. Jurick, to **Approve** the rezoning request as presented with the same conditions as recommended by Staff.

VOTE: Yes: Mr. Leis, Mr. Jurick, Mr. Hays and Mr. Spahr.

No: None.

Motion Carried.

Chairperson Brust asked Staff to present the next case.

Rezoning Case #Z-2021-04 ~ Property Owners/Applicants: Ron & Ana Burns ~ Agent: Tom Lagos ~ Location: 3301 S. Dayton-Lakeview Rd., Bethel Twp. ~ Request: to rezone 3.0 acres from B-3 (General Business District) to I-1 (Light Industrial District).

Mr. Allan Neimayer, Senior Planner, stated the subject property is located at 3301 S. Dayton Lakeview Rd. and consists of 3.00 acres. The property is currently zoned B-3 (General Business District). The Applicant would like to rezone the property to I-1 (Light Industrial District).

Mr. Neimayer reviewed slides of existing zoning and land use, existing public utilities and floodplain. He referenced the County Engineer's comment letter and an email from ODOT. Staff recommends rezoning the subject property from B-3 to I-1S (Light Industrial District, Specific Use) subject to the following:

1. All permitted uses shall be inside the building(s).
2. Allowing all I-1 uses except for the following: Outdoor commercial recreation; adult entertainment establishments.
3. The end-user shall receive approval from the Combined Health District, or Ohio EPA as applicable, for provision and treatment of water and wastewater systems.
4. The end-user shall receive approval from the County Engineer's Office for storm water management as applicable.

5. The end-user shall receive approval from the County Engineer's Office for proposed development access to Gerlaugh Rd. and from ODOT as applicable for access to SR 235.

Mr. Neimayer said the County Planning Commission met on February 3, 2021 to hear this rezoning case. Following discussion, the CPC recommends to the Rural Zoning Commission that the Applicant's rezoning request to PD-M be approved as presented with the same five conditions as noted by Staff.

Mr. Jurick asked the driveway to SR 235 is that owned by the company that is buying the bowling alley property? Mr. Neimayer responded this is set up as a shared access.

With no further questions for Staff, Chairperson Brust opened the public hearing at 9:43 am. and asked if the Applicant would like to speak.

Mr. Tom Lagos, attorney representing the Applicant requested that the Board change the word "AND" in Condition #5 to "OR". He stated there would be a decrease in traffic with a small number of employees as compared to a bowling alley establishment.

Mr. Neimayer stated this request for changing "AND" to "OR" was discussed during the County Planning Commission meeting. The CPC chose to leave Condition #5 as recommended by Staff because there are two different jurisdictions involved.

Mr. Hays stated you have two different entities: county engineer and ODOT.

Mr. Lagos stated the County Engineer can work with ODOT. I am a firm believer of keeping everything local. Especially when you can meet with them face to face. The County Engineer can always call ODOT if they want.

Mr. Hays stated I do not disagree but the county can handle Gerlaugh Rd. and ODOT can handle SR 235. Mr. Lagos said right which is why we should make it "OR" and not "AND".

Mr. Burst stated this stretch along SR 235 was designed and developed to carry a much larger load. Why is there an issue for ODOT to be involved on something they already approved?

Mr. Neimayer stated when he sent the rezoning information to ODOT an end user was not identified. There were a range of allowed uses, some that could bring more traffic. Now that we know the end user is a machine shop, and that it will be less traffic than a bowling alley, it could just be a simple meeting with ODOT to be approved.

Mr. Brust asked why does ODOT need to be involved? Mr. Neimayer responded it is their jurisdiction.

Mr. Brust stated I am in favor of going from "AND" to "OR". They (ODOT) have already approved this. Sometimes we need to step out and say this is the right thing to do.

Chairperson Brust asked if there was anyone else to speak of this rezoning request. There were none. He then asked if there was anyone who wished to speak in opposition of this request.

Richard Allen, 9969 S. Palmer Rd., was sworn in. Mr. Allen stated that this is not an objection. I just have a couple questions. One of them regarding access, there are three access points: the shared access on SR 235 with Caseys and two access points on Gerlaugh Rd. I have resided at my property on Palmer Rd. for 6 years. There is a lot of unnecessary turn-around traffic as people use those two

access points on Gerlaugh Rd. Since we are reducing traffic, is it possible to eliminate the access point on Gerlaugh Rd. at the south west corner of the parcel? And, will there be screening required between the two parcels (the Applicants' and Mr. Allen's property) as this goes forward?

Mr. Neimayer stated in conversation with the county engineers on the Casey's development, there were discussions about closing one of the Applicant's two Gerlaugh Rd. access points. Mr. Allen's access question can be forward on to the County Engineer's Department. In regards to screening, that can be added as a condition. Zoning Regulations require.

Mr. Allen, asked what makes that screening necessary, a change of use or change of zoning. The screening would allow me to enjoy my residence. Mr. Neimayer responded screening between residential and non-residential development is a requirement under our zoning regulations.

Mr. Allen asked would the screening requirement also include the loading dock on the northwest corner? Mr. Neimayer responded yes. Actually, that is how this all started, as a zoning and building complaint.

With no further questions, Chairperson Brust closed the public hearing at 10:00 am. and asked for a motion.

Mr. Brust stated I would like to recommend the Board change the wording of Condition #5 from "AND" to "AND/OR".

Mr. Jurick asked Mr. Neimayer to explain his recommendation. Mr. Neimayer responded, as I stated before there are two different jurisdictions so they both need to be involved.

Mr. Brust again stated, I would like to recommend the Board change the wording of Condition #5 from "AND" to "AND/OR".

Action on Rezoning Case #Z-2021-04 ~ Property Owners/Applicants: Ron & Ana Burns ~ Agent: Tom Lagos ~ Location: 3301 S. Dayton-Lakeview Rd., Bethel Twp. ~ Request: to rezone 3.0 acres from B-3 (General Business District) to I-1 (Light Industrial District).

Motion by Mr. Leis, seconded by Mr. Spahr, to **Amend** Staff's 5th recommendation from "AND" to "AND/OR".

VOTE: Yes: Mr. Leis, Mr. Spahr, Mr. Hays and Mr. Jurick.

No: None.

Motion Carried.

Motion by Mr. Leis, seconded by Mr. Hays, to **Approve** the rezoning request as presented with same Conditions 1 thru 4 as noted by Staff and including the amended Condition #5.

VOTE: Yes: Mr. Leis, Mr. Hays, Mr. Spahr and Mr. Jurick.

No: None.

Motion Carried.

Minutes

Clark County Rural Zoning Commission

Staff Comments

Next scheduled meetings: March 11 and April 15, 2021. Mr. Neimayer noted the April date is the 3rd Thursday of the month.

Adjournment

Motion by Mr. Hays, seconded by Mr. Leis, to **Adjourn**.

VOTE: Motion carried unanimously.

The meeting was adjourned at 10:07 am.

Mr. Ken Brust, Chairperson