

Minutes

CEDA Regional Planning Commission

Regular Meeting ~ 4:00 pm.
Thursday, March 7, 2019

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Mr. Mike Hanlon, Chairperson of the CEDA Regional Planning Commission of Clark County Ohio, called the meeting to order at 4:01 pm. and asked for the Roll Call.

Present For Roll Call: Mr. Mike Hanlon, Ms. Theresa Hartley, Mr. Dan Kelly, Mrs. Charlene Roberge, Mr. Dick Shaw, and Mr. Charles Morris.

Absent For Roll Call: Ms. Kathryn Lewis Campbell.

Chairperson Hanlon asked for a motion to approve the minutes.

Approval of January 3, 2019 Minutes:

Motion by Mrs. Roberge, seconded by Mr. Shaw, to **Approve** the minutes as presented.

VOTE: Yes: Mrs. Roberge, Mr. Shaw, Mr. Hanlon, Ms. Hartley, and Mr. Morris.

No: None.

Abstain: Mr. Kelly

Motion carried.

Case #2019-ZA-01 ~ Zoning Text Amendment, initiated by the City of Springfield ~ Request: text amendment to Chapters 1102.02 (a)(7), (a)(13) and (s)(7); 1122.04 (a); 1124.04 (f); and 1125.04 (i) regarding adult entertainment.

Chairperson Hanlon asked for the staff report.

Mr. Steve Thompson, Planning and Zoning Administrator, explained the Zoning Code Text Amendments, additional chapter, repealing of some definitions and replacing with same language in other sections. He stated the text would be more legally sound, less likely to be challenged in court. He stated current language was not in line with first amendment.

Chapter 1102.02

Repeal Sections:

(a)(7) Adult Business - Any sexually oriented business which focuses upon sexual activities and/or anatomical areas in conducting a business for adult entertainment. Such businesses include but are not limited to an adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, adult theater, escort agency, massage parlor (except certified masso-therapists) or nude model studio.

(a)(13) Anatomical Areas - Such areas on a human as the bare buttocks, anus, male genitals, female genitals, female breasts, or pubic region.

(s)(7) Sexual activity - Activities which include the following:

- A. The fondling or other erotic touching of anatomical areas;
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

- C. Masturbation, actual or simulated;
- D. Excretory functions as part of or in connection with any of the activities set forth in A through C above; or
- E. Physical contact in the form of wrestling or tumbling between persons of the opposite sex.

Enact Sections:

(a)(7) “adult arcade” “adult cabaret”, “adult motel”, “adult motion picture theater”, “adult store” and “adult theater” shall each have the meaning assigned to them by Section 707.02 of the Codified Ordinances. (see below)

- (a) “Adult arcade” means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, or other visual representations, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (b) “Adult cabaret” means a nightclub, bar, restaurant, private club, bottle club, juice bar or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:
 - 1. persons who appear nude or semi-nude or in a state of nudity or semi-nudity;
 - 2. live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
 - 3. films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (c) “Adult motel” means a motel, hotel or similar commercial establishment which offers public accommodation, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, digital video discs, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio, television, internet or social media.
- (d) “Adult motion picture theater” means a commercial establishment where films, motion pictures, video cassettes, digital video discs, slides or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.
- (e) “Adult theater” means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities which is not customarily open to the general public during such features because it excludes minors by reason of age.

(s)(7) “sexual encounter establishment”, “sexually oriented adult entertainment” and “sexually oriented business” shall each have the meaning assigned to them by Section 707.02 of the Codified Ordinances. (see below)

- (a) “Sexual encounter establishment” means a business or commercial establishment, that as one of its principal business purposes, offers for any form of consideration: (a) a place where two or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas; or (b) activities between male and

female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity. A “sexual encounter establishment” does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of Ohio engages in medically approved and recognized therapy.

- (b) “Sexually oriented adult entertainment” means a live performance at an adult cabaret.
- (c) “Sexually oriented business” means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor, sexual encounter establishment, sex store, escort agency or semi-nude model studio, as the terms are defined in this Chapter.

Chapters 1122.04 (a), 1124.04(f), and 1125.04(i) Zoning Code

Change “adult business” to “sexually oriented business”

Chairperson Hanlon asked if there were questions for Mr. Thompson. Hearing none, Chairperson Hanlon asked for a motion.

Action on Case #2019-ZA-01 ~ Zoning Text Amendment, initiated by the City of Springfield ~ Request: text amendment to Chapters 1102.02 (a)(7), (a)(13) and (s)(7); 1122.04 (a); 1124.04 (f); and 1125.04 (i) regarding adult entertainment.

Motion by Mrs. Roberge, seconded by Mr. Morris, to **Approve** the Applicant’s request as presented.

VOTE: Yes: Mrs. Roberge, Mr. Morris, Ms. Hartley, Mr. Kelly, and Mr. Shaw.

No: None.

Motion carried.

Staff Comments

Mr. Neimayer announced the next scheduled meetings are April 4 and May 2, 2019.

Mr. Neimayer explained the Township would be working on updating adult entertainment language as well. He noted there was potential language from 2009, but did not get adopted.

Ms. Lewis-Campbell arrived at 4:04 p.m.

Mr. Kelly commented on Hunter’s Grove and discussed his frustration with the project. He stated the price range for the homes changed throughout the project. He stated two weeks ago when the square footage was discussed, it was much less than before if you do the math it is \$120 sq. ft. He stated he asked Ryan Homes and calculated the value to be \$150,000. He said Mr. Bills stated 1400 square feet, so before the model is built the price range is lowered. He stated he felt it is unethical. He noted the first discussion stated \$175,000-\$200,000 price range. He stated they (developer and City staff) did what they had to and now it is affordable housing. The City pushed it through. He felt it needed to be discussed and someone held responsible because they aren’t living by their word.

Mrs. Roberge stated some of the houses will sell because people will buy new regardless of location. She stated a 1200 sq. ft. ranch with no basement at \$170,000, no way. She stated they will sell

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some, not 180, maybe 50. She stated it will probably be a half developed property. He noted again that someone will buy just because it is new.

Mr. Kelly stated someone will not pay \$225,000 on a house behind Walmart and be 10 ft. away from neighbor. Mrs. Roberge stated someone will at whatever price, just for the newness. She stated maybe 50 houses will get sold because inventory is low.

Mr. Kelly stated he was not against growth, just was upset they were sold a bill of goods.

Mrs. Roberge stated if anyone researches the building, they may not buy. She noted not all real estate agents will do the work.

Mr. Kelly stated it should have been approved as RS-5 to protect the area. He stated they went to RS-08 and presented as \$175,000-200,000 homes and not at 1,200 and 1,400 square feet with a lower value.

Mr. Morris stated Sugarcreek Township has a similar issue.

Mrs. Roberge stated the Board's hands are tied.

Mr. Hanlon asked what happens with the undeveloped land.

Mr. Kelly stated its money not going to the school and township. He asked why should the developer get money for his development if he is from out of town. Mr. Kelly stated he would send a letter to the City Commissioners.

Mrs. Hartley asked what happens with the infrastructure if half developed.

Mr. Hanlon stated the Board didn't have enough power to stop it.

Mrs. Hartley stated the Board was the only one that did the right thing by denying it. She stated the neighbors' opinion did not matter to the City.

Adjournment

Motion by Mrs. Roberge, seconded by Mr. Shaw, to adjourn.

NOTE: Motion carried unanimously.

The meeting was adjourned at 4:21 pm.

Mr. Michael Hanlon, Chairperson

Mr. Thomas A. Hale, Secretary