

Minutes

Clark County Planning Commission

Regular Meeting ~ 2:00 p.m.
Wednesday, May 1, 2019

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

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

Present For Roll Call: Commissioner Lohnes, Ms. Louise Maurer, Commissioner McGlothlin, Mrs. Charlene Roberge, Mr. Mark Scholl, Mr. David Stickney, Mr. Don Wallace, Commissioner Wilt, Ms. Elaine Stevenson and Mr. Jay Kitchen.

Absent For Roll Call: Mrs. Jo Anderson.

Approval of the April 3, 2019 Minutes

Motion by Mrs. Roberge, seconded by Commissioner Wilt, to **Approve** the minutes as presented.

VOTE: Yes: Mrs. Charlene Roberge, Commissioner Wilt, Commissioner Lohnes, Ms. Louise Maurer, Commissioner McGlothlin, Mr. Mark Scholl, Mr. David Stickney, Mr. Don Wallace, and Mr. Jay Kitchen

No: None.

Abstain: Ms. Stevenson.

Motion carried.

Chairperson Scholl asked for Staff to present the first case.

Rezoning Case #P-2019-01 ~ Property Owner/Applicant: Ellen Smith ~ Location: PID #2500100017000003 & PID #2500100017000002~9036 & 9050 Ballentine Pike., New Carlisle; Pike Twp. ~ Request: Rezone a portion of PID #2500100017000003 and PID #2500100017000002 from A-1 to R-1 to create a one acre lot.

Mr. Neimayer stated the subject property is located at 9050 Ballentine Pike and currently zoned A-1 (Agricultural District). The Applicant would like to split off the existing house site, approximately 1.0 acre. Under Pike Township Zoning Regulations, the minimum lot size for creating a new lot in the A-1 District is 40 acres. Therefore, the Applicant has filed this rezoning application to rezone the proposed 1.0 acre, which involves PID #250-01-00017-000-002 and PID #250-01-00017-000-03, from A-1 to R-1 (see map).

The minimum lot size in the R-1 District is one acre. Mr. Neimayer stated the CONNECT Clark County Land Use Plan identifies this area as Rural / Agriculture: Areas that are primarily in agricultural use and include single-family residential, agriculture-related buildings, and civic uses. He stated there is no floodplain in the immediate area of the subject property. Public water and sanitary sewer utilities are not available in this area. According to the Applicant, the well is located west of the house and the septic is located east of the house. As part of the lot split review process, written approval will be required from the Combined Health District as to the location of these systems and the size of the "new" lot.

Mr. Neimayer explained this section of Ballentine Pike is listed as a Collector Road on the county Thoroughfare Plan with a right-of-way of 60 ft. (30 ft. from centerline). The current ROW is 40 ft. (20 ft. from centerline). As part of the lot split review process, any difference between the Thoroughfare Plan ROW and existing ROW is required as a permanent highway easement to Clark County. In this proposed lot split, further ROW review will be required by the County Engineer's Department due to the location of the existing home being approximately 10 ft. from the current ROW.

Staff recommends the Applicant's request to rezone the subject 1.0 acre property (part of PID #250-01-00017-000-002 and PID #250-01-00017-000-003) from A-1 to R-1 be approved as presented subject to: 1) location of well, septic and leach field verified by the Combined Health District; 2) minimum size of the "new" lot approved by the Combined Health District; and 3) lot split process.

Chairperson Scholl asked if there were questions for staff.

Commissioner McGlothin asked for the road frontage. Mr. Neimayer responded it is approximately 240 ft.

Mrs. Roberge clarified that the lot will be conforming and the well and septic will be on one lot and still have two other parcels. She stated there will be three final conforming lots. Mr. Neimayer responded yes.

Chairperson Scholl asked if there was a designated replacement area for leach field. Mr. Neimayer responded he was not sure if it has been done yet, but a Health District review is required and the size of the lot may be more subject to their approval.

Mrs. Stevenson asked if the Applicant would have to bring the request back if the lot is a different size. Mr. Neimayer stated no.

With no further discussion from the Board, Chairperson Scholl asked for a motion.

Action on Rezoning Case #P-2019-01 ~ Property Owner/Applicant: Ellen Smith ~ Location: PID #2500100017000003 & PID #2500100017000002~9036 & 9050 Ballentine Pike., New Carlisle; Pike Twp. ~ Request: Rezone a portion of PID #2500100017000003 and PID #2500100017000002 from A-1 to R-1 to create a one acre lot.

Motion by Mrs. Roberge, seconded by Commissioner McGlothin, to **Approve** the rezoning as presented by Staff.

VOTE: Yes: Mrs. Charlene Roberge, Commissioner McGlothin, Commissioner Wilt, Commissioner Lohnes, Ms. Louise Maurer, Mr. David Stickney, Mr. Don Wallace, Ms. Elaine Stevenson and Mr. Jay Kitchen.

No: None.

Motion carried.

Lot Split-Attachment; Shape of Lot Review ~Property Owners: Clark-Shawnee Local School District ~Wayne & Rebecca Leffingwell ~Purpose: drainage outlet for new elementary school construction

Mr. Neimayer stated Chapter 4.1 Conformity, Paragraph 4.146 Shape of the Subdivision Regulations reads: "All lots, when possible, shall be approximately rectangular in shape. Triangular shaped lots shall be discouraged." As Staff had previously discussed with the County Planning Commission, the intent of this paragraph is to prevent flagged-shaped lots, except when preserving farm land. In all other cases, Staff is to bring the request to the County Planning Commission for review and approval.

As the new Clark Shawnee Elementary School project moves forward, there is a need for a drainage outlet to Goose Creek located west of the current school district property. The School District and the adjacent property owners, Wayne & Rebecca Leffingwell, are near an agreement for two separate lot split-attachments. The School District would acquire 1.477 acres to be attached to the school's existing parcel #300-07-00019-000-091, and the Leffingwells would acquire 2.688 acres to be attached to their existing parcel #300-07-00025-000-105 – see attached maps. Staff needs County Planning Commission approval, via motion, to proceed with the proposed lot split-attachments.

Commissioner Lohnes asked if owners of the land lived nearby. Mr. Neimayer responded they live on Old Clifton Rd.

Mrs. Roberge asked if they were just swapping land. Mr. Neimayer responded yes.

Commissioner Wilt asked for what portions were being exchanged. Mr. Neimayer responded that a strip of land was needed to get to the creek. Commissioner Wilt asked what the owner was going to do with the strip of land.

Commissioner McGlothlin stated it was only 50 ft. in width. Mr. Neimayer stated it is only needed for drainage per the County Engineer's Office. He stated that is the way the County Engineer wants it.

Mr. Josh Shaw, site civil engineer, stated storm water would typically go to the east in the drainage area. However, with this school development the County Engineer has requested the school to direct storm water to Goose Creek. Mr. Shaw stated the neighbors (Leffingwells) were willing to swap land to make it happen. He noted there is difficulty crossing Goose Creek, so this swap will give the Leffingwells better access to their farm land on the east side of the creek.

Ms. Stevenson asked if the lot complied with zoning. Mr. Neimayer responded it is going to be attached to the existing parcel respectively.

Ms. Stevenson asked for verification of the school boundary. She asked what work is being done to make sure Goose Creek can handle it. Mr. Josh Shaw stated they were doing everything per the County Engineer's Office. He stated that is where they want it to go; the County has told us we have to go that way.

Commissioner Lohnes stated the other (east) direction currently has a lot of flooding.

Chairperson Scholl stated storm water detention will be built on site. Mr. Josh Shaw stated it will be a 15 inch pipe to Goose Creek. He explained it would be behind baseball field and have one outlet before it gets to Goose Creek.

With no further discussion from the Board, Chairperson Scholl asked for a motion.

Action on Lot Split/Attachment; Shape of Lot Review ~Property Owners: Clark-Shawnee Local School District ~Wayne & Rebecca Leffingwell ~Purpose: drainage outlet for new elementary school construction

Motion by Mrs. Roberge, seconded by Ms. Stevenson, to **Approve** the lot split/attachment presented by Staff.

VOTE: Yes: Mrs. Roberge, Mrs. Stevenson, Commissioner Lohnes, Ms. Maurer, Commissioner McGlothlin, Mr. Stickney, Mr. Wallace, Commissioner Wilt and Mr. Kitchen.

No: None.

Motion carried.

Case #ZA-2019-02 Zoning Text Amendments ~ Comprehensive zoning text amendments recommended by the Land Use Regulations Committee~ Initiated by the Rural Zoning Commission: 4-11-2019

Following the adoption of the CONNECT Clark County Comprehensive Plan, Staff formed the Land Use Regulations Committee (Committee) comprised of board members from the County Planning Commission, the Rural Zoning Commission and the Board of Zoning Appeals. The Committee first met on March 28, 2018 and continued meeting thru March 2019. The task of the Committee was to evaluate the Comprehensive Plan's land use recommendations to current zoning regulations, and to prepare recommended zoning text amendments. In addition, other items within the current zoning regulations were identified by Staff that they felt required review and possible change.

During the past year as the Committee worked thru its list, Staff, with assistance of the Committee Member(s), updated the county planning boards on individual items and provided feedback to the Committee. The Committee's cumulative work has resulted in proposed amendments on 76 items, an edit correction to a previously adopted amendment, plus general editing corrections (i.e., grammar, typos, section reference corrections and etc.). These proposed amendments, copy dated 4-3-2019, were provided to the county planning boards at their respective meeting in April. The same copy was made available for review by the general public. Also, a copy of the proposed amendments was provided to the township trustees for Bethel, Green, Harmony, Mad River, Madison and Moorefield townships.

There are a few additional items that Staff request to be considered:

1. S. 501.12 Restricted Business or Industrial Accessory Parking Areas. { formerly S. 803; moved to Chapter 5 Off-Street Parking }

2. S. 748 Self Storage 748.01 Zoning Districts Where Conditioned Permitted B-4, I-1, I-2 Districts. 748.02 Setbacks of open storage (including open parking storage of boats, RVs etc.) shall follow the setback requirements of the underlying district. 748.03 Parking surface shall comply with Chapter 5 Off-Street Parking.

3. S. 804 Regulations of Permitted Temporary Uses & Structures. 804.01 A Temporary Use of a structure or lot may not comply with the requirements of the underlying Zoning District. The Temporary Use shall be temporary in nature and does not involve the erection of a substantial

structure. The Zoning Administrator may inspect any Temporary Use at any time and may request evidence from the property owner and/or occupant that they are in compliance with the required conditions as stated for each *temporary use. The Temporary Use of a structure or lot as identified in Section 804.02 is permitted subject to requirements as listed, and a Zoning Certificate is not required.* The Temporary Use of a structure or premises for a purpose or use that does not conform to the requirements prescribed elsewhere in these Regulations for the District in which it is located, provided that such use be of a temporary nature and that the use does not involve the erection of a substantial structure, may be permitted subject to the requirements herein stated, and subject to such conditions as will safeguard the public health, safety, convenience, and general welfare. The Zoning Administrator may inspect any temporary use at any time and may request evidence from the property owner and/or occupant that they are in compliance with the required conditions as stated for each temporary use.

804.02.01 ~~Orderly display at an automotive service station building of canned fluids, lubricants, and/or tires not required for immediate servicing of automobiles, and display of other products normally sold at service stations. The orderly display of products normally sold at Fueling Only Stations or Fueling Full Service Stations. Such display shall be setback not less than ten (10) feet from the front lot line and not less than five (5) feet from any side or rear lot line.~~

804.01.02 ~~Promotional activities of retail merchants, located in any Business District, involving the display of goods and merchandise in open air or under a tent may be conducted outside of enclosed buildings for a time period of not more than fourteen (14) days in any three (3) month period. Goods and merchandise that will be used in the promotional activity and are also for sale within the building may be displayed subject to the following conditions:~~

804.01.021 ~~No portion of the display shall be on or over publicly owned property, except for sidewalk sales. Public access shall be maintained throughout such sales.~~

804.01.022 ~~No food or drink shall be dispensed outside the building except in accordance with standards and prior written approval of the Clark County Combined Health District.~~

804.2.02 *Promotional activities of a permitted retail establishment, other than identified in Section 804.02.01, involving the display of goods and merchandise in open air or under a tent may be conducted for a time period of not more than fourteen (14) days in any three (3) month period. No portion of the display shall be on or over publicly owned property, except for sidewalk sales. Public access shall be maintained throughout such sales.*

804.02.03 Garage sales, yard sales, and rummage sales shall be permitted at individual dwellings in the A-1, AE, AR, R, R-MHP, PD *and MU* Districts, not to exceed two (2) times per calendar year for a total time not to exceed seven (7) days per calendar year. No more than two (2) signs (not to exceed four (4) sq. ft. each) per sale shall be permitted.

804.02.07 Open-air carnivals or tent circuses, but only in the *B-3, B-4, I-1 or I-2 Districts* ~~Industrial or General Business District~~, and then only for a time period that does not exceed one (1) week. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on adjacent public streets shall not be located within thirty (30) feet of the intersection of the curb line of any two (2) streets.

804.03 ~~All of the above described retail, office, and entertainment functions and operations~~ *All of the Temporary Uses described in Section 804.02* shall be conducted and all merchandise displayed in an orderly and safe manner, free from injurious or offensive effects to the occupants of adjacent premises and to the public in general, and shall be effectively screened from adjoining "R" Districts where required by the Zoning Administrator.

4. Definitions

~~Mini-Warehouse~~ / *Self Storage*

Motor Vehicle Repair; *Motor Vehicle* Repair Garage: refers to motor vehicles and equipment (i.e., lawn mowers etc.)

Self Storage: A building(s) divided into separate, individual units and rented to individuals to meet their temporary self-storage needs.

Yard, Front: A yard extending across the full width of the lot, the depth of which shall be the least perpendicular distance between the front lot line and the *street side of the principal building* ~~front of the main building.~~

Staff recommends that the zoning text amendments prepared and recommended by the Land Use Regulations Committee, along with the additional Staff items as noted above, be adopted as presented.

Case #ZA-2019-02 Action on Zoning Text Amendments ~ Comprehensive zoning text amendments recommended by the Land Use Regulations Committee ~ Initiated by the Rural Zoning Commission: 4-11-2019

Motion by Mrs. Roberge, seconded by Mr. Stickney, to **Approve** text amendments as presented.

VOTE: Yes: Mrs. Roberge, Mr. Stickney, Commissioner Lohnes, Ms. Maurer, Commissioner McGlothlin, Mr. Stickney, Mr. Wallace, Commissioner Wilt and Mr. Kitchen.

No: None.

Motion carried.

Board Comments

There was a discussion about the July meeting date, but no changes were made.

Commissioner Lohnes wanted to remind the Board of some items when discussing the rezoning process with people in the community. He stated the last Medway rezoning case was disapproved from the County Planning Commission and Rural Zoning, but the Commissioners approved it. He stated it was assumed by the neighborhoods that the Commissioners would take the same action as the Rural Zoning Commissions. He noted that no one showed up to the Commissioner's Public Hearing. He reminded the Board the process is a three Board process with two separate public hearings. He told the Board to encourage people to understand the process.

Staff Comments

Mr. Neimayer stated the next scheduled meeting is June 5, 2019. He stated there is a new subdivision related to the new hospital site.

Minutes

Clark County Planning Commission

Adjournment

Motion by Commissioner McGlothin, seconded by Commissioner Wilt, to adjourn.

VOTE: Motion carried unanimously.

The meeting was adjourned at 2:33 p.m.

Mr. Mark Scholl, Chairperson

Mr. Thomas A. Hale, Secretary