

# **Minutes**

## **Clark County Planning Commission**

Regular Meeting ~ 2:00 p.m.  
Wednesday, May 4, 2022

Springview Government Center  
3130 East Main Street  
Springfield, Ohio 45505

Ms. Louise Maurer, 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. Mark Scholl, Mrs. Jo Anderson, Mr. Jay Kitchen, Mr. Don Wallace, Mr. Dave Stickney, Ms. Louise Maurer, Commissioner Lowell McGlothlin and Commissioner Melanie Wilt.

Absent For Roll Call: Commissioner Rick Lohnes and Mrs. Kerri Brammer.

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

### **Approval of the April 6, 2022 minutes**

Chairperson Maurer noted the approval of the April 6, 2022 minutes will be deferred to the next regular meeting due to lack of eligible voting members.

### **Rezoning Case #Z-2022-04 ~ Property Owner: Evans Family Ranch LLC ~ Applicant: Chad Watkins ~ Location: 11140 Milton-Carlisle Rd., Bethel Twp. ~ Request: to rezone from A-1 to B-1 for use as a general store with continued agricultural uses.**

Mr. Allan Neimayer, Senior Planner, stated that the subject property is located at 11140 Milton-Carlisle Rd. and consists of 10.74 acres. The property is currently zoned A-1 (Agricultural District). The Applicant would like convert an existing building (lower left corner) to general retail use (a general store) while continuing agricultural uses on the property. Hence, the Applicant has filed this request to rezone the property from A-1 to B-1 (Neighborhood Business District). Rezoning the property to B-1 would have no impact on continued agricultural uses as the property is over 5.0 acres and per Ohio law agricultural use is therefore exempt from local zoning regulations.

SR 571 (Milton-Carlisle Rd.) is a state route. The current right-of-way in front of the subject property is 60 ft., 30 ft. from centerline. Staff has directed the Applicant to discuss this proposed rezoning and project with ODOT District 7. Staff has informed the Applicant that zoning regulations require off-street parking and related areas for non-residential development to be a hard surface. The Applicant intends to file a variance application to allow for a gravel parking surface.

Staff recommends rezoning the subject property from A-1 to B-1S (Neighborhood Business District, Specific Use), limiting business use to *'Local Retail or Service Establishments'* as listed under Section 210, and further excluding the following: laundromat, clothes cleaning & laundry pick-up station.

Commissioner Wilt asked about the continued agricultural use under this land owner, but if there was a future change in ownership and they wanted to go back to A-1 would they need to come back to rezone? Mr. Neimayer responded per state law for agricultural use of a property of five acres or larger it does not matter what the property is zoned.

Commissioner Wilt asked if we know what the general store looks like. Mr. Wallace stated I cannot imagine turning it into a general store would increase traffic flow. It seems like an appropriate change of use.

Mr. Neimayer referred to the letter from the County engineers recommending a traffic study with ODOT.

Commissioner McGlothlin asked to speak with the Applicant

Chad Watkins, Applicant and General Manager representing the Evans Family Ranch. Mr. Watkins explained he has been in contact with Doug Clark at ODOT. Their study showed 5,000 cars that go by there a day, and as long as we keep both accesses, he is ok with it.

Commissioner McGlothlin asked what type of things will be sold at the general store. Mr. Watkins explained everything we grow on our land and produce from our cattle will be sold at the store. Eventually we would like to sell other items made from the community as well.

Karen Kilburn, 11180 Milton Carlisle Rd., asked Chairperson Maurer if she could ask the Applicant questions. Chairperson Maurer allowed Ms. Kilburn to speak. Mrs. Kilburn stated there is a playground there now. Is that what you are talking about now? Applicant responded not at this time. Kilburn asked is that in the flood zone. The Applicant replied no. The idea is to do agricultural tourism.

Commissioner McGlothlin stated I have seen dirt over there. The Applicant responded we took dirt out to re-gravel the roads. We do not want it to be all mud. There are four camp sites as part of the ag tourism.

Mrs. Kilburn stated there goes our privacy and our view, and probably more noise. The Applicant replied, there will be all the green area. Mrs. Kilburn asked if the meeting on May 12<sup>th</sup> is when the neighbors can come and speak. Staff responded yes.

Commissioner McGlothlin asked about the drive they will be using, is it on your property. The Applicant responded correct. Campers will come in off of that road.

Mr. Wallace asked about broader issues. Mr. Neimayer states, the camp ground of what he's Chairperson Maurer asked where the flood plain is located. Mr. Neimayer replied, it's not on this parcel.

With no further questions, Chairperson Maurer asked for a motion.

**Action on Rezoning Case #Z-2022-04 ~ Property Owner: Evans Family Ranch LLC ~ Applicant: Chad Watkins ~ Location: 11140 Milton-Carlisle Rd., Bethel Twp. ~ Request: to rezone from A-1 to B-1 for use as a general store with continued agricultural uses.**

Motion by Mrs. Anderson, seconded by Mr. Wallace, to **Approve** the rezoning case as presented by Staff: to B-1S (Neighborhood Business District, Specific Use), limiting business use to '*Local Retail or Service Establishments*' as listed under Section 210, and further excluding the following: laundromat, clothes cleaning & laundry pick-up station.

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

**No:** None.

***Motion carried.***

Chairperson Maurer asked Staff to present the case.

**Rezoning Case #Z-2022-05 ~ Property Owner: Evans Family Ranch LLC ~ Applicant: Chad Watkins ~ Location: 571 Milton-Carlisle Rd., Bethel Twp. ~ Request: to rezone from A-1 to B-1 to convert two existing buildings for a wedding venue and an auto repair shop with continues agricultural uses.**

Mr. Neimayer stated that the subject property is located at 571 Milton-Carlisle Rd. and consists of 93.74 acres. The property is currently zoned A-1 (Agricultural District). The Applicant would like to convert two existing buildings for commercial use: 1) an existing barn to a wedding venue; and 2) existing building to a 4-bay auto repair shop. To accommodate these two uses, the Applicant has filed this request to rezone the property from A-1 to B-2 (Community Business District). The majority of the property will continue to be used in agricultural uses. Rezoning the property to B-2 would have no impact on continued agricultural uses as the property is over 5.0 acres and per Ohio law agricultural use is therefore exempt from local zoning regulations. Mr. Neimayer identified a large part of the subject property (west side) is in the floodplain. The proposed wedding venue/barn is approximately 240 ft. from the floodplain, and the proposed auto repair shop building is approximately 163 ft. from the floodplain.

The Health District will allow the Applicant to connect the proposed wedding venue to the existing septic system. If a pump station or another septic tank needs installed at the event center location in order to get the sewage to the leaching area or current septic tank, a permit will need to be obtained from the Health District (email communication, 3-28-2022, between the Applicant and the Health District).

SR 571 (Milton-Carlisle Rd.) is a state route. The current right-of-way next to the subject property is 60 ft., 30 ft. from centerline. Mr. Neimayer pointed out the subject property (571 Milton-Carlisle Rd.) actually fronts along Musselman Rd. The property is separated by a section of the former trolley-traction line parcel, also owned by Evans Family Ranch LLC. Hence, the subject property's main 80+ acres is actually land locked. Access to these 80+ acres is thru a separate parcel (015-05-00028-108-010), currently owned by Evans Family Ranch LLC, which also provides shared access to other parcels. Staff has informed the Applicant that zoning regulations require off-street parking and related areas for non-residential development to be a hard surface. The Applicant intends to file a variance application to allow for a gravel parking surface.

Staff recommends rezoning the subject property from A-1 to B-2S (Community Business District, Specific Use), limiting to the wedding venue (event center) and auto repair shop business at the two identified buildings. Per the agricultural use exemption under Ohio law, this B-2S zoning will have no impact on continued agricultural uses on the property. Furthermore, Staff recommends the Property Owner prepare and record an ingress-egress easement regarding the shared access of the parcels involved.

Commissioner McGlothlin asked, is the auto repair for the general public? Mr. Neimayer replied both, open to the general public and for personal use.

Chairperson Maurer asked if they are experiencing flood plain issues. Mr. Neimayer was not aware of any such issues.

Chad Watkins, Applicant and General Manager representing the Evans Family Ranch, explained there are 4 bays but we will only use 2 bays at this time. It is for the general public. Most of our heavy equipment goes elsewhere for servicing. On the property the Studebakers daughter lived

there. They shared use of the drive. The Applicant stated for the wedding barn/event center, the plan is to do parking on both sides. It is a Jensen Trust barn.

Chairperson Maurer asked about the shared lane. The Applicant responded it would only affect our neighbor Nina & Felix Shanahan, 11111 Milton Carlisle Rd. This drive goes through our property. That is where all the vehicles went in and out of. It is wide enough for two cars.

Mrs. Anderson asked about the estimated number of people or capacity. The Applicant responded the barn there is one level. Once we get to permitting we think about 150 people. We have parking spots for well over 150.

Commissioner McGlothlin asked for the wedding venue will you eventually be looking for a liquor license. The Applicant responded yes. We cannot get a license until this is rezoned.

Mr. Wallace asked if New Carlisle was dry. Commissioner McGlothlin responded this is not New Carlisle. We have alcohol inside the city limits.

Karen Kilburn, 11180 Milton Carlisle Rd., stated the area back there the house in front no one lives there. The house has always been empty.

**Action on Rezoning Case #Z-2022-05 ~ Property Owner: Evans Family Ranch LLC ~ Applicant: Chad Watkins ~ Location: 571 Milton-Carlisle Rd., Bethel Twp. ~ Request: to rezone from A-1 to B-1 to convert two existing buildings for a wedding venue and an auto repair shop with continues agricultural uses.**

Motion by Mr. Stickney, seconded by Mrs. Anderson, to **Approve** the rezoning case as presented by Staff: to B-2S (Community Business District, Specific Use), limiting to the wedding venue (event center) and auto repair shop business at the two identified buildings.

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

**No:** None.

***Motion carried.***

Chairperson Maurer asked Staff to present the next case.

Mr. Scholl recused himself from rezoning Case #Z-2022-06.

**Rezoning Case #Z-2022-06 ~ Property Owner: Premier Property Sales LLC, ~ Applicant: Clay Chester ~ Location: 4266 Moorefield Rd., Moorefield Twp. ~ Request: to rezone 4.39 acres from R-2A to R-4 for a multi-family housing development.**

Mr. Neimayer stated that the subject property is located at 4266 Moorefield Rd. and consists of 4.39 acres. The property is currently zoned R-2A (Medium Density Single-Family Residence District). The Applicant would like to redevelop the property, which was a former school site, into an apartment development. Hence, the Applicant has filed this request to rezone the property from R-2A to R-4 (Multiple-Family Residence District).

The R-4 District is intended to provide for higher density residential development in the form of low-rise multiple-family dwellings. The R-4 District reflects existing multiple-family areas as well as those

areas well suited to such future development, such as areas which enjoy strategic locations relative to major intersections, major open space/terrain/vistas, and/or high intensity commercial areas. Multiple-family Residence Districts are intended to be located in areas which are served with public water and sewerage systems.

The CONNECT Clark County Land Use Plan identifies this area as Suburban Living, Low Intensity: Multi-family or clustered single family homes on lots that are less than one acre in size. Most homes are arranged along wide, curvilinear streets with few intersections and will either front or back onto shared natural areas. Building and lot size may range in size and density but tend to be highly consistent within a development with limited connectivity between different residential types and non-residential uses.

There are no public utilities in the immediate area. The nearest county public water and sewer service is approximately 1.7 miles west at Rolling Hills School on Moorefield Rd. The Applicant, therefore, has been in discussion with the Ohio EPA on alternative provisions for water and sanitary sewer for the proposed multi-family development.

There is no storm sewer in the area. Jereme Best, Clark Soil & Water Conservation District, looked at the site and is concerned as to where the storm water from the development will outlet. Mr. Neimayer stated there are comment letters from the Moorefield Township Trustees and the County Engineers Office. Mr. Neimayer also stated there is a petition from area residents and Staff has received multiple calls from area residents regarding concerns with utilities, waste water, access and the side roads. The subject property is not in a floodplain, but as indicated by the residents flooding does occur.

Mr. Neimayer just before noon today, Staff received an email from Chris Green and you have a copy before you. Similar comments about access and the number of proposed units with the service roads.

At this time there are several items of concern with the proposed development as documented in the comment letters from the Clark County Combined Health District and Clark County Engineer's Office – see attachments. Therefore, Staff recommends the County Planning Commission forward a recommendation to the Rural Zoning Commission to *Table* the Applicant's rezoning case and that the Applicant work with the Ohio EPA and Clark County Engineer's Office to determine if redeveloping the subject property to a multi-family development is feasible.

Mrs. Anderson asked how far it is from the utilities. Mr. Neimayer responded it is about 1.7 miles. Mrs. Jennifer Tuttle stated the County Utility Department states that they are at capacity.

Commissioner Wilt asked are these one story units? Mr. Neimayer responded they are 2-story.

Mr. Wallace asked for clarity with regards to the Rural Zoning Commissioner, could we recommend this up or down or to table it? Mr. Neimayer responded the CPC could say yes or no. My recommendation is to *Table* it.

Clay Chester, Applicant, 4266 Moorefield Rd. Mr. Chester explained we do residential real estate in Clark County. I am from New Moorefield and had an opportunity to buy this ground. Initially my thought was to divide this piece of ground into four or five parcels. Sewer and water is an issue. Back to the drawing board, multi-family housing, knowing Clark County needs housing, and knowing this is a great community.

Chairperson Maurer stated I am assuming the surrounding area is on well and septic including the school. The Applicant responded yes and added I have spoken with multiple entities and this area has a substantial amount of drinking water. This plan is preliminary.

Commissioner Wilt asked what is your conversations been with the County Engineers Office and County Utility Department. The Applicant responded there is a storm water system that is east of the property. He is confident we will find a place to take it. Maybe it is tying into the storm sewer at my expense and water retention catch basins at the bottom of the property. For waste water we would like to find another outlet, which could get us up to Moorefield Rd.

Commissioner Wilt asked about design and price. The Applicant responded they are two-bedroom townhomes about 1,000 square feet per unit for \$1,200 a month. At a little over four million dollars, these are not low income. Our stipulation to rent is always three times the monthly rent. They need a job, no felons and no sex offenders. Commissioner Wilt then asked, are there other housing units in the area we could compare. The Applicant responded there are some apartments at the corner of Route 4 and Twitchell Rd. and the next closest the Northridge Apartments. Commissioner Wilt asked are these like those. The Applicant responded they are very similar; garden style apartments on Twitchell Rd.

Chairperson Maurer asked will it have its own independent water treatment? The Applicant responded yes in Northridge. On Twitchell Rd. they are on well and septic.

Commissioner McGlothlin stated we need more housing. I think our concern is the other home owners.

Commissioner Wilt asked some people have given estimates of people of residency. Do you have an estimate? The Applicant responded 44 units was my initial proposal that would be two- bedrooms per unit, three occupants per residence. The waste water and drinking water is a concern. With that I do not want to put the cart before the horse. I need the proper research. We need Ohio EPA sign off, if it gets rezoned. I understand the drinking and waste water is an issue. Even with rezoning, if we cannot overcome that issue we cannot move forward.

Commissioner Wilt explained my thought is you would not have to do complete engineer plans, but more advanced conversations about what would need to happen. I think that would give more of an understanding of the future plans without you having to go through the investment if we were to table this. I am trying to figure out how to let you keep moving forward but with the proper assurance things are being addressed.

The Applicant responded I agree 100-percent. Without the zoning if we do not get approved, then everything else will be a waste of time. The engineers wanted me to stress their confidence to you that they can handle these.

Commissioner McGlothlin asked have you looked at single-family homes. The Applicant responded the problem with that is you need a leach system. You would lose a pretty substantial part of the property because of the location of the former school. Maybe the Ohio EPA comes back and says you can do half that, but you have to start somewhere.

Chairperson Maurer asked about topography in the area. The Applicant responded its running from the north east to the south west.

Mr. Wallace asked what the status for waste water in the area is. Are their failing systems in the area? The Applicant responded not that he is aware. He did some initial soil samples. If the soils were right we can go down to half acre lots, which is better than one per acre. The soil is right for septic and leach systems.

Mrs. Anderson asked for clarification on the lot sizes. The Applicant responded per Clark County it is one house per acre. With how the layout was going, I was going to lose the whole south side of the lot, because where the school was you cannot leach it. Chairperson Maurer asked for clarification. The Applicant responded it was mainly this section (proposed green space) where the school was on you cannot leach to that. I was trying to make other uses for it.

Commissioner Wilt stated for the people that took the time to come today, we need to go over the rezoning procedure. Mr. Neimayer explained this is a public meeting not a public hearing. The public hearing is May 12, 2022 and it begins at 9:00 am. At that time you can present your comments and the Applicant can respond. If you cannot make that meeting, an email or phone call with your concerns will be forwarded on to the Rural Zoning Commission Board Members. That Board then makes their recommendation onto the County Commissioners who also hold a public hearing and then make the final decision. Mr. Neimayer added we are required by state law to put an ad in the newspaper and contact residents 200 feet from the subject property.

Chairperson Maurer thanked everyone for their interests in the case.

Commissioner Wilt asked, if at that point the RZC were to table this, it would stay with them, correct. Mr. Neimayer responded yes.

**Action on Rezoning Case #Z-2022-06 ~ Property Owner: Premier Property Sales LLC, ~ Applicant: Clay Chester ~ Location: 4266 Moorefield Rd., Moorefield Twp. ~ Request: to rezone 4.39 acres from R-2A to R-4 for a multi-family housing development.**

Motion by Commissioner Wilt, seconded by Mrs. Anderson to recommend to the Rural Zoning Commission to *Table* the Applicant's rezoning case and that the Applicant work with the Ohio EPA and Clark County Engineer's Office to determine if redeveloping the subject property to a multi-family development is feasible.

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

**No:** None.

***Motion carried.***

Mr. Scholl rejoined the Board.

### **Staff Comments**

Mr. Neimayer stated the next scheduled meetings are June 1 and July 6, 2022.

# ***Minutes***

***Clark County Planning Commission***

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## **Adjournment**

Motion by Mrs. Anderson, seconded by Mr. Scholl, to **Adjourn**.

**VOTE: Motion carried unanimously.**

The meeting was adjourned at 3:02 pm.

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Ms. Louise Maurer, Chairperson