

# ***Minutes***

## ***Clark County Rural Zoning Commission***

Regular Meeting ~ 9:00 am.  
Thursday, May 12, 2022

Springview Government Center  
3130 East Main Street  
Springfield, Ohio 45505

Ken Brust, Chairperson of the Clark County Rural Zoning Commission, called the meeting to order at 9:00 am. and asked for the Roll Call.

Present For Roll Call: Mr. Ken Brust, Mr. Wayne Leis, Mr. Matt Taylor, Mr. Bob Jurick, Mr. Larry Spahr and Mr. Pete Lane.

Absent For Roll Call: None.

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

### **Approval of the March 10, 2022 Minutes**

Motion by Mr. Lane, seconded by Mr. Jurick, to **Approve** the minutes as presented.

**VOTE: Yes:** Mr. Lane, Mr. Jurick, Mr. Brust, Mr. Leis, Mr. Taylor and Mr. Spahr.

**No:** None.

***Motion Carried.***

Chairperson Brust explained how the meeting will be held.

Chairperson Brust asked Staff to present the first case.

**Rezoning Case #Z-2022-01 ~ Property Owner/Applicant: Fred Messaros ~ Location: 1291 Cold Springs Rd., Mad River Twp. ~ Request: rezone from A-1 to PD-B (Planned Development Business District) to allow commercial indoor and outdoor recreational activities including: haunted house, escape rooms, clown tent, corn maze, live entertainment, pumpkin glow, Christmas drive thru; and to allow all parking and related areas to be non-paved surface.**

Mr. Allan Neimayer, Senior Planner, stated the Board heard this case on February 10, 2022 and recommended approval with conditions. It was forward to the County Commissioners for their public hearing, which was on April 5, 2022. Just prior to that it was discovered there was an error made in notification of surrounding property owners. The commissioners re-scheduled their public hearing for April 20, 2022. However, on April 13, 2022, the commissioners canceled that April 20<sup>th</sup> hearing and sent the rezoning case back to the Rural Zoning Commission. Proper notification of today's public hearing has been sent out to all surrounding property owners as required. Mr. Neimayer stated there are no changes to the Applicant's proposal. He reviewed slides identifying the subject property and the intended uses. Mr. Neimayer updated the Board on the status of Cold Springs Rd. as a private drive. The Applicant is working with abutting residential property owners regarding some pavement for dust control.

Fred Messaros, Applicant, is present and has nothing further to add.

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**Action on Rezoning Case #Z-2022-01 ~ Property Owner/Applicant: Fred Messaros ~ Location: 1291 Cold Springs Rd., Mad River Twp. ~ Request: rezone from A-1 to PD-B (Planned Development Business District) to allow commercial indoor and outdoor recreational activities including: haunted house, escape rooms, clown tent, corn maze, live entertainment, pumpkin glow, Christmas drive thru; and to allow all parking and related areas to be non-paved surface**

Motion by Mr. Spahr, seconded by Mr. Lane, to **Approve**.

**VOTE: Yes:** Mr. Spahr, Mr. Lane, Mr. Leis and Mr. Jurick.

**No:** None.

***Motion Carried.***

Chairperson Brust introduced the next case.

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

Mr. Neimayer stated 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 to 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.

The CONNECT Clark County Land Use Plan identifies this area as Rural / Agricultural: areas that are primarily in agricultural use and include single-family residential, agriculture-related buildings, and civic uses. They may also include specific small-scale retail uses. Buildings are generally set far back from the roadway on large lots (over one acre). These areas may not be served by municipal water and sewer utilities.

SR 571 (Milton-Carlisle Rd.) is a state route. 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 for related areas used 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 laundromat, clothes cleaning, and laundry pick-up station.

The County Planning Commission (CPC) met on May 4, 2022 to hear this case. Following discussion, the CPC has recommended to the Rural Zoning Commission that the subject property be rezoned 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 laundromat, clothes cleaning, and laundry pick-up station.

Mr. Jurick asked about a sign about a general store and activities; is that allowed? Mr. Neimayer responded if the store is selling agricultural products, which are allowed, we will need to look into the sign. It needs to be in proper zoning compliance.

Mr. Lane asked about the exclusion of the laundry services. Mr. Neimayer responded it is mainly due to the chemicals that go with those uses.

Hearing no further questions for Staff, Chairperson Brust opened the public portion of the hearing at 9:11 am and asked if the Applicant would like to speak.

The Applicant was not present. Chairperson Brust asked if there was anyone who wanted to speak in favor of the rezoning request. There were none. Chairperson Brust then asked if there was anyone who wanted to speak in opposition to the rezoning request.

Felix Shanahan, 1111 Milton-Carlisle Rd., was sworn in. Mr. Shanahan explained he lives in this house and one of his daughters live in the same area. Our long term plan is for them to build their houses on our land. My wife's family owned the land that the Evan's Family bought for selling cattle. That sounded great to us. Signs started to come up and now it is turning into businesses we were not expecting. I respect land ownership and those individuals can do what they want with their land. I am not here to crumble this plan, as it could be worse, but we are concerned about ODOT. I do not believe with their assessment. I think it will be an issue with speed. I am worried for my own family, and this will hinder our view from the living room. Mr. Shanahan explained he spoke with Mr. Neimayer and found out you (the Board) can add provisions, and I would ask that you seek it. If this is unsuccessful and they decide to try a dollar store, I do not want that. That is not what we thought was going happen. We want to live in an agriculture area and I ask this Board to write a provision that any future changes to any to other business would have to come before you and if we could have an opportunity to speak at that time.

Mr. Shanahan explained he just saw an optical store open. It looks cute like a house. But looking at the allowed uses (Section 210), I do not think those are good. A drug store, you might as well say goodbye to that area. There would be annexation issues, the widening of the road and losing land. We ask for a provision for the use being asked currently.

Mr. Jurick asked whether than saying what cannot be done, could we go state what use can be done? Maybe we could table with a recommendation of the uses that can be done.

Chairperson Brust stated we can include in a motion what could be built, how it is planned and any future changes would need to come back to the Board.

Mr. Lane stated it already states a general store. Mr. Neimayer explained it is what the Applicant asked for and it falls under local retail. A dollar store is something that could go in. There is nothing that could stop that.

Mr. Lane then asked about a location for the general store. Is it existing? Mr. Neimayer responded yes. It is the lower-left building on the property.

Mr. Lane asked, what if you put the word "independent" in front of general store, would that eliminate the type of retail store? Mr. Neimayer responded I would want to get a legal counsel to check that. Mrs. Tuttle added you could limit it to the building that is there and no future development/use of retail. Chairperson Brust clarified limiting to the existing structure only.

Mr. Jurick stated with regard to potential build out, all that acreage is in agriculture. Is there a reason the rezoning request could not be a smaller area than what is proposed. Mr. Neimayer responded we discourage doing split zoning. Splitting the property is a possibility we would have to look into further into that. Mr. Jurick stated so the agricultural use part could stay in A-1 and the business part in "B" so the expansion could not be the whole acreage. Mr. Neimayer responded I do not know if that fits

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the Applicant's plans for the property. As the Applicant is not in the audience, the Board may want to Table this case for further discussion with the Applicant.

Chairperson Brust asked if there was anyone else was in opposition of the rezoning request that would like to speak. Hearing none Chairperson Brust closed the public portion of the hearing 9:23 am. and asked for a motion.

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

Motion by Mr. Lane, with clarification added, seconded by Mr. Leis, to recommend rezoning the subject property to B-1S (Neighborhood Business District, Specific Use) with the stipulation that the general store be confined to the existing, former Studebaker headquarters building as identified in the Staff Report.

**VOTE: Yes:** Mr. Lane, Mr. Leis Mr. Jurick and Mr. Spahr.

**No:** None.

***Motion Carried.***

Chairperson Brust introduced the next case.

**Rezoning Case #Z-2022-05 ~ Property Owner: Evans Family Ranch ~ Applicant: Chad Watkins ~ Location: 571 Milton-Carlisle Rd., Bethel Twp. ~ Request: rezone from A-1 to B-2 (Community Business District) to convert two existing buildings for a wedding venue and auto repair shop with continued 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/event center; and 2) a separate 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.

The CONNECT Clark County Land Use Plan identifies this area as Rural / Agricultural: areas that are primarily in agricultural use and include single-family residential, agriculture-related buildings, and civic uses. They may also include specific small-scale retail uses. Buildings are generally set far back from the roadway on large lots (over one acre). These areas may not be served by municipal water and sewer utilities.

A large part of the subject property (west side) is in the floodplain. The proposed wedding venue/event center is approximately 240 ft. from the floodplain, and the proposed auto repair shop building is approximately 163 ft. from the floodplain.

Mr. Neimayer stated the Health District will allow the Applicant to connect the proposed wedding venue/event center 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, the Applicant will need to obtain a permit from the Health District (email communication, 3-28-2022, between the Applicant and the Health District).

Although technically the subject property (571 Milton-Carlisle Rd.) fronts along Musselman Rd., the property is separated by the former trolley-traction line parcel, which is also owned by Evans Family Ranch LLC. Hence, the subject property's main 80+ acres is actually land locked. Using GIS mapping, Mr. Neimayer explained 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 (identified in the Staff Report). 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.

The County Planning Commission met on May 4, 2022 to hear this case. Following discussion, the CPC has recommended to the Rural Zoning Commission that the subject property be rezoned 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. In addition, the CPC recommends the Property Owner prepare and record an ingress-egress easement regarding the shared access of the parcels involved.

Mr. Jurick stated we have lost agricultural land over the years to other types of zoning. Is there a way the owner could portion off the non-agricultural land so that we would only be voting on the business intentions? Mr. Neimayer responded that was discussed with the Owner & Applicant. I am not in favor of that because they would need to get a variance approval for having no frontage on a public right-of-way. Mrs. Tuttle added if you create that landlocked parcel, then again it is another parcel with shared access.

Chairperson Brust stated the two buildings in question are already there. The only thing changing is zoning of the property.

Mr. Lane stated there are at least two residential properties sharing that access right now. Mr. Neimayer confirmed two residential properties, but one is under the Evans Family Ranch ownership.

Chairperson Brust stated the issue is having a motion that would be contingent upon resolving any access issues with written documentation from all parties. Mr. Neimayer clarified to be sure there is a written document and it is recorded.

Hearing no further questions for Staff, Chairperson Brust opened the public portion of the hearing at 9:37 am. The Applicant was not present. Chairperson Brust asked if there was anyone who wanted to speak in favor of the rezoning request. There were none. Chairperson Brust then asked if there was anyone who wanted to speak in opposition to the rezoning request.

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Felix Shanahan, 1111 Milton-Carlisle Rd., was still sworn in. Mr. Shanahan spoke on the shared access (lane) been using for 20 years. Studebaker nurseries maintained the lane. Now we are seeing big cattle trucks, it is rutted, it is not being maintained as it should be, and were talking about increasing the amount of traffic using the lane, not farm hands. We are talking about a huge amount of land we thought was going to be used for agricultural purposes. I have no problem with Evans using the lane. Mr. Shanahan stated Evans is driving across this area (Mr. Shanahan pointed on the map identifying 11293 Milton-Carlisle Rd, PID #015-05-00028-108-015) where he plans on building his kid's houses. But I get nervous that this whole thing will spiral into something that we did not have any plans for and I do not think would be good for Clark County. This is farm land and you will not recognize it if this continues.

Mr. Lane asked about the property Mr. Shanahan owns. Mr. Shanahan identified on the map his property of 11111 Milton-Carlisle Rd., PID #015-05-00028-108-007, and 11293 Milton-Carlisle Rd, PID #015-05-00028-108-015. His oldest daughter lives at 11157 Milton-Carlisle Rd., PID #015-05-00028-108-013. Mr. Lane then stated, so I think you are saying they are trespassing on your property. Mr. Shanahan would say that. I have not communicated that, I am trying to be a good neighbor. I am nervous because this is happening really fast. I worry what will be the case in five years from now.

Mr. Lane recalled there was a fair amount of traffic when it was a wholesale nursery. Mr. Shanahan responded the lane was used, but it was taken care of and they were employees from the farm. Now we are talking about retail business people using the lane. I do not want that. There was a discussion on possibly splitting off the area for the event center and the auto repair business from the remaining agricultural land. Mr. Shanahan asked the Board to take the 85 acres of land for a wedding venue and garage that would affect my easement into consideration.

Zach Eggleston, 316 S. Church St., was sworn in. Mr. Eggleston explained he is disappointed the Applicant is not here to explain his intended use. I know their rezoning request and business they want to run on the property. The traffic is about the same it has always been. But with an approval, I believe it will increase significantly. I have lived here my whole life and every 2-3 years, the area is under water. I am concerned about the chemicals. With auto repair there are more chemicals with waste, storage and disposal. I was looking forward to hearing from the Evans.

With no one else to speak in opposition to the rezoning request, Chairperson Brust closed the public portion of the hearing at 9:47 am. and asked for Board discussion.

Chairperson Brust voiced his frustration over the Applicant not being in attendance. The Board deserves more of an explanation as to what is going on. Mr. Neimayer stated at the County Planning Commission meeting he did remind the Applicant of the RZC meeting. Mr. Spahr stated I agree with Chairperson Brust.

Hearing no further discussion, Chairperson Brust asked for a motion.

Mr. Jurick stated he is inclined to Table this rezoning request to get a resolution on the shared access and some way that we can take the farmland out of it. The Specific Use designation is a wonderful approach and I do not want to discourage what the County Planning Commission recommended. Is that something Staff could research?

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**Action Rezoning Case #Z-2022-05 ~ Property Owner: Evans Family Ranch ~ Applicant: Chad Watkins ~ Location: 571 Milton-Carlisle Rd., Bethel Twp. ~ Request: rezone from A-1 to B-2 (Community Business District) to convert two existing buildings for a wedding venue and auto repair shop with continued agricultural uses.**

Motion by Mr. Jurick, seconded by Mr. Lane, to ***Table*** this case and have Staff find a way to solve the problem of the access without requiring all the farm land to be part of the rezoning request.

**VOTE: Yes:** Mr. Jurick, Mr. Lane, Mr. Spahr and Mr. Leis.

**No:** None.

***Motion Carried.***

Chairperson Brust introduced the next case.

**Rezoning Case #Z-2022-06 ~ Property Owner: Premier Property Sales Ltd. ~ Applicant: Clay Chester ~ Location: 4266 Moorefield Rd., Moorefield Twp. ~ Request: rezone from R-2A to R-4 to develop the property into a 44-unit apartment 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.

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 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.

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. Staff recommended that 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.

The County Planning Commission met on May 4, 2022 to hear this case. Due to the items of concern as identified in the comment letters from the Clark County Combined Health District and Clark County Engineer's Office, the CPC recommends the Rural Zoning Commission ***Table*** this rezoning case to allow the Applicant to 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.

Hearing no questions for Staff, Chairperson Brust opened the public portion of the hearing at 9:55 am. and asked if the Applicant would like to speak.

Clay Chester, Applicant, 25 W. Home Rd., was sworn in. Mr. Chester explained he owns Premier Property Sales. We own residential real estate in Clark County and in the City of Springfield. As we know, housing is a major issue in the county. With this rezoning approval, we could do a little bit of help on a huge need. Mr. Chester stated these plans are very preliminary and there is a lot of leg work that needs to be done after the rezoning process.

Chairperson Brust stated when I read through the various reports we received, there are no public utilities in the immediate area. Rolling Hills elementary school on Moorefield Rd., about two miles to the west, is about a far east public water goes. All of the homes in New Moorefield are on wells. Chairperson Brust referenced issues identified in communications from the Health District and the County Engineer's Office. He stated he drove out Saturday and drove around the area. The roads are barely wide enough. The Applicant responded that is correct, but this is a preliminary plan. There is more room on Moorefield Rd. A traffic study might need to be done to see the flow of traffic and impact. When it comes to the drinking water, I referred to professionals in the area. They are confident with the water in that part of the county that aquafer is not running dry anytime soon. Chairperson Brust asked if the Applicant has contacted the Ohio EPA. The Applicant respnded he has but has not heard back from them.

Chairperson Brust stated I am intrigued knowing the demographics of new Moorefield who do you plan on renting to? The Applicant responded this project will cost around four million dollars plus. To see a return on that investment, we will rent be at minimum \$1,200 per unit. They will not be low income. Our rental requirements are three times monthly income. We will be providing housing for families that may not have a down payment. You have to be employed. We limit the number of people per bedroom. We do a thorough background checks. I know in other areas background checks are not being done. We will do a better job of bringing in better people.

Mr. Lane asked your plan has a corner designated for septic. Have you considered the area required to handle the septic with that many units? The Applicant responded yes. With that many units it is 9,600 gallons a day, which seems like a lot. But with a one-inch of rain I believe it is 40,000 gallons per acre that run off. That location (on the plan) is measured out, but it is not necessarily where it would be located. There is engineering and layout plans that need to done. I have Ryan Hillard here today for engineering and that is his expertise. It is a 40 by100 area for 14,000 gallons, which is this size.

Mr. Jurick stated with 44 new units that will change the demographics of the community. Is there a lesser number to still make a business investment? The Applicant responded yes. The wastewater treatment is the biggest capital expenditure and will be relevant to the number of units. I am open and I see that point. We have complexes this size in other areas of Clark County and I have never waited to get in or out of the parking lots. I think it will have a positive impact on the community.

Chairperson Brust stated we have a letter from the Moorefield Township Trustees with concerns as well. Chairperson Brust stated area residents need to know their wells will not run dry in five years because of the water table.

Ryan Hilliard, engineer for the Applicant, 3701 Johnson Rd., was sworn in. Mr. Hillard stated I have been engaged as consultant for the Applicant to take a preliminary look at this project. I am sorry if my exhibits did not make it into the packet. The sanitary unit service and the 9,600 gallons a day are a footprint that is less than 120 ft. by 40 ft. and there are pumps involved in that system. There are pumps that can be strategically placed inside a footprint. That is a pretreatment center approved by

the Ohio EPA and directly discharged into Buck Creek. Those flows have to be checked by a certified operator so it is in compliance. Perk test are not important because it is not going into the soil. Once the layout is nailed down and there is a place for it to go into the soil that is the preferred way. Per the Ohio EPA, this is how on-site systems are done. There are regulations, but this can be done.

Mr. Lane asked you would discharge to a storm sewer which you would have to create? Mr. Hillard responded if there is not one available. Currently there is storm water flowing, but if there is not a discharge point then improvements will be made to the infrastructure. Mr. Lane then asked do you think there is an existing storm sewer system in the area of New Moorefield? Mr. Hillard responded somewhat. We have been told by the Clark County Engineer's Office that it is there, it is just not mapped. So we do not know the quality or quantity of it. An eight inch storm pipe can carry 300,000 gallons a day, and were talking about 9,000. We are not talking about a significant amount of water in the grand scheme of things. As far as storm water, we do storm water detention. On an urban development we will do storm water retention under the parking lot. It is called sub-surface detention. All the planning says this water cannot leave this sight. We construct facilities and only discharge at the same rate. If this is not sufficient public storm water, that same storm water where our septic is discharging will discharge in the same spot. All development standards are that they not negatively impact after development.

Mr. Jurick stated onsite treatment system dispose into some other place. Mr. Hillard responded the water is treated on site to Ohio EPA regulations and then discharged off-site to a storm sewer or if adjacent to a creek it will discharge directly to that creek. Mr. Jurick then asked are there any issues with this treatment system. Mr. Hillard responded no because it is enclosed. The very last step is an open air sand filter and the Ohio EPA has decided that is the way to do that final step of treatment.

Mr. Jurick asked on the plan that corner says septic, that would have the onsite treatment system building and sand area. Mr. Hillard responded yes. The then explained there is one such system, it is mothballed now, that was associated with the manufactured home park on N. Tecumseh Rd. Because the old septic system quit working, the Ohio EPA made them put in an onsite treatment system. There was no room for this system on the park site, so the owner located the new onsite treatment system on the east side of N. Tecumseh Rd. They are inground treatment systems that have a fence around them to keep kids out of that area. They are low impact very easy to maintain by local contractors familiar with the equipment.

Mr. Lane asked Mr. Hillard do you know where the existing sewer lines in New Moorefield are? Mr. Hillard responded not yet. Mr. Lane then asked do you have any reason to believe they exist along the road on the west side of the this property? Mr. Hillard responded if there is any storm sewer available adjacent to this property we can get to it because there are pumps in our system. Our water is being pumped anyway because that is part of the treatment process. Mr. Lane asked but you do not know if there are any adjacent to the property right now. Mr. Hillard responded not at this time. We will do a comprehensive topographic survey and boundary survey of the property once the project moves forward.

Mr. Lane asked what section of this property is the lowest elevation. Mr. Hillard pointed to the map to explain the general water flow. Mr. Lane stated so right now your septic system is located in the highest portion of the property. Mr. Hillard confirmed but reminded the Board that this is a preliminary design. If you could imagine we did sub-surface parking lot detention for our storm water, it might not be the best idea to put the septic system at the bottom. So putting the septic system at the top is least impactful to any other water going on at the site. If you put the septic system in a hole you have a greater chance of impact. There is 40 ft. of elevation difference from this property down to Buck

Creek. So if there is that much water going thru the area we have bigger problems than this small system.

One thing that I want to address also, I am not an expert in water, water sources, to my knowledge the Ohio EPA does not do preliminary reports on water being available. We drill wells and we do flow tests. Because of the amount of people living on this site, this will be a public water system by Ohio EPA guidelines with periodic testing and flow requirements to meet that. With this property only being 50 feet above Buck Creek you would never be able to use all that water. There are tons of water in the area.

Mr. Jurick asked the Applicant about the picture showing mounds of gravel on the property. The Applicant responded he was on another project site and we needed a place to store the material. It is fill dirt not gravel. Mr. Jurick then asked if that is a legitimate use under R-2 zoning, storing dirt. Mr. Neimayer responded there is nothing under zoning regulations we could do about that.

With no further questions for the Applicant or Mr. Hillard, Chairperson Brust asked if there was anyone in favor of the rezoning request that would like to speak. There were none. He then asked if there was anyone was in opposition to the rezoning request that would like to speak.

Tom Dever, 4852 Graham St., was sworn in. Mr. Dever explained he has lived in New Moorefield his entire life. Half of the houses are over 100-years old, built prior to 1900, and many of the houses have shallow wells. The area has grown over the years but it is a small rural community. There is not a public drainage system in the community. One side drains to the field and the other side drains to the creek. They are not connected. Part of the town has sidewalks and parts do not. We do not feel an apartment complex fits into the community. Personally, I do not see the need for that. I provided in a letter with over 70 signatures that identified community concerns. So we ask that the Board review this request and if the developer goes forward to please address those issues accordingly.

Mr. Jurick asked Mr. Dever is there a smaller number would fit into your community? Mr. Dever responded that is a thing we need to look at. The property is the lowest ground in the town. Mr. Dever pointed to the map to explain the drainage of the community.

Mr. Spahr asked are you against the project? Mr. Dever responded I do not see the advantage of putting in (the development). He referred to the 1894 plat map of the community and talked about how the community was originally planned. I would prefer not. I think single-family fits better than multi-family.

Discussion on current drainage of the subject property and the immediate surrounding area. Mr. Dever stated another gentleman will talk about a drainage tile that runs from northeast to southwest thru the subject property.

James Lannon, 5485 Old Mechanicsburg Rd., was sworn in. Mr. Lannon explained a different concern. I understand the concern of the people who live in New Moorefield. I proposed not to approve the zoning from R-2 to R-4. The problem I see is if you allow this rezoning, your setting precedence for the agricultural zoning that is owned by the nursery but leased to the farmers. If this rezoning happens, then my concern is this will happen on the agricultural land and sold by the nursery. I understand that the Applicant is a business man. If you approve any zoning, then you are opening the flood gates for the farmland. You cannot say no to new people because you have already approved one.

Ed Olivero, 4310 Yale St., was sworn in. Mr. Olivero explained he moved here two years ago. He is the house at the lowest point. Every time it rains the water comes from the school down my way. It

comes from the back farm down my way. The neighbor in front of me we both get hit with 12 to 13 inches of water every time it rains. The township says that the storm system is in my yard. Moorefield Township does not know if it is mine or theirs. The tile runs all the way thru the subject property and now it is collapsed. So now every time it rains my property gets messed up, my basement gets messed up. We moved here from New York where I was a superintendent for over 20 years. I know how to run a complex. I know what a complex brings. We did extensive background checks and we still had murderers and child molesters because other people sign the apartments for them. I oppose the request. I do not want it in this town. If it is three houses on the property that is fine. Mr. Olivero spoke of unknown renters and safety concerns of the existing residents.

Roger Winget, 4347 Yale St., was sworn in. Mr. Winget explained we have been here for 39 years. I am a retired school teacher of 30 years. One of the big jobs I had was to teach the kids respect. Mr. Winget distributed a map to the Board. The point at 4321 Mechanicsburg Rd., it goes downhill. Houses on Yale St. go down at an angle for natural run off. Moorefield Rd. properties start to go down. From Baner Ave. it is semi-leveled, it is 136 feet of angle. From New Moorefield Rd. to Baner Ave. it is 131 feet of angle. That is where our water comes. At 4310 Yale St., which is the gentleman who just spoke, the township installed a concrete culvert, approximately 2 ½ ft. by 4 ft., installed years ago in attempt to eliminate our water problem. The tile goes across the school lot with a slight 30-degree bend just after it gets into the school property. Approximately five years ago, a five-foot section of the tile was replaced. It was put down years ago by the Township Trustees and budded them together. Houses were built after that time that use the same drain. The house at 4310 Yale St. is the low part in the area. We call it "the little house". The owners probably do not know this tile goes through their property and into the field. It is suppose to be connected to Moorefield Rd.

Chairperson Brust stated there is a creek to the west, just east of SR 4. Does the water get to that creek? Mr. Winget responded that run off from Moorefield Rd. goes approximately 1,200 ft. to the creek, and at 1,200 feet it comes out of a tiny pipe then goes into the creek with no filtration. But from the center of the bridge to the left there is a wild life protected area. I cannot go down there and go fishing anymore. To walk on it you have to have written permission from the park rangers. The other end runs off thru the Berry Hill Nursery and it goes to the reservoir. But now we are going to put a big septic system with motors to pump it. And if the motors go down, or we have an electrical outage like we had a few years ago, then we do not have water for five days.

Mr. Winget then spoke of Yale St. and Baner Ave. are 14 feet wide. Moorefield Rd. is not the easiest road to get on to. That property is not meant for this type of development. We got 88 houses in New Moorefield and this will almost double the community on less than five acres. Am I for a small development in that area? Yes, three houses like it was originally plotted. We are a rural community. If there was a vote taken today in New Moorefield, 99.9 percent of the people will vote no. We are asking this Board to respect us and the problems that we have. If he builds that development, then where does my drain go?

Jennifer Bowen, 4835 Graham St., was sworn in. Ms. Bowen explained her husband is in construction and has sat where the Applicant is sitting, so this is nothing personal. I am an oncology nurse that works at the James Cancer Hospital. My biggest concern, other than what Mr. Dever has shared which I fully support, is the condition of the water. In December 2021 my daughter and my grandson had to flee their military housing in Hawaii and come to my clean, less than 30 ft. well located on my property. In my career at the James Cancer Hospital, I have spent six and a half years with amyloidosis and multiple melanoma patients who received contaminated water in Camp Lejeune in North Carolina. I have watched hundreds and hundreds of people die from contaminated water. Now I have to worry about my daughter, her husband who is active Navy, my grandchild with lasting affects from the military contaminated water. You (Mr. Hillard) talked about testing the water going to the proposed development, but what about our wells. Our plan is for my daughter to come home and

be the 3<sup>rd</sup> generation in our house. It is a beautiful neighborhood to raise a family. I am against these apartments. I am for the single-family living. Please consider the water of Springfield and dumping into Buck Creek.

Bobbi Potter, 4445 Moorefield Rd., was sworn in. Ms. Potter explained her concern is the 600 acres of public hunting ground. The area is unsafe for children. People fly through the stop sign as it is. During the summer when the fishermen come into fish, our children of the community know to keep their distance. I am also very fearful of the water pollution. I feel like the Applicant jumped the gun on buying this property. I do believe once he makes the return on his investment this will become Section 8 apartments. With the safety issues, the traffic issues, concerns over the water, I do not think the multi-family housing is a fit for the community.

Chris Chapman, 4423 Yale St., was sworn in. Mr. Chapman explained he just wants to second everything that has been said. On the point of having enough water in New Moorefield, that is true, but our wells are extremely shallow. My well is 20 to 25 feet deep. I am at the top of Yale Street. If we put in wells, we will not run it dry. We will drop that water table, and I worry we will not be able to continue using our wells and will have to dig them deeper. This is coming at the cost of the community.

Tom Blue, 5096 Old Mechanicsburg Rd., was sworn in. Mr. Blue explained for many years I have driven large trucks. At intersection in front of the house, the houses are very close to the road, 20 feet back, and we will not have a school bus stop. A school bus cannot make this turn unless they sea-saw back and forth to get to Baner Ave., and Baner Ave. is going to be the same. A garbage truck has to sea-saw back and forth in front of my house to get down Yale St. And then they have to back out because they cannot make it up the hill because it is so steep and he cannot see to get out onto Mechanicsburg Rd. I have lived here for 38 years. My well is hand driven 19 ft. into the ground. We do not have the room to widen the streets. Mr. Blue spoke of safety concerns with having no sidewalks, limited sight distance at intersections and drivers speeding.

Doree Martin, 4936 Old Mechanicsburg Rd., was sworn in. Mrs. Martin explained we are the house at the very top of the hill. When we first moved in we had four accidents in front of our house. People treat that road like a raceway. With 44 more people and 88 cars and for working families at \$1,200 a month in rent for a tiny apartment, I do not see it. And what happens when you cannot rent them. You will lower the rent. Just some things to make sure you are thinking about. Adding 88 more cars will heighten the traffic at Route 4 and Moorefield Rd.

Jim Cooley, 4276 Yale St., was sworn in. Mr. Cooley explained the risk of contamination is high, and my well is about 80 feet from the property line if that. I work for the city water treatment plant. I am pretty familiar with contamination and draw downs and static levels. I can see the static levels of mine when I take the cap off. Just from a season change I probably get 8 to 10 feet of fluxuation on my static level. To put a pump in the vicinity of 44 units, the recommended figuring is about 120 gallons a day per bathroom. About 9,000 gallons a day will draw the wells down. Just in a season change, I see eight feet of change in my well. So to add 9,000 gallons a day is going to have an affect. People will have to re-drill their wells. The national average of time that people reside in an apartment is about 27½ months. It is transient; it will be transient. Mr. Cooley spoke on why he believes people moved to New Moorefield. This is a family community. We moved there for the quiet. He then spoke about power outages. The water will collect somewhere. We are at risk of flooding if not just adding to the problem we have with flooding currently.

David Wade, 4376 Yale St., was sworn in. Mr. Wade asked where are the kids going to play with a new 44 unit apartment complex.

With no one else to speak in opposition to the rezoning request, Chairperson Brust allowed time to the Applicant for rebuttal.

Mr. Hillard explained there are two parts to this: a social aspect and an engineering or technical aspect. I am only here for the technical aspect. Whether the development goes forward or not is not my concern. My concern is to make sure it is not negatively impactful if it does to forward. Mr. Hillard explained we have development standards, Ohio EPA standards and engineering standards that protect communities when development happens. I may have over explained the pumps. I was speaking of the sanitary system which is sewage only. I am guilty of having this same thought, what happens when the power goes out. When the power goes out, the well will stop and the water stops too. The storm water will continue to flow by gravity. It is not feasible to manage storm water by pumps. On the sanitary side, this water is not being infiltrated into the soils, so your shallow wells are not at risk from infiltrated septic water into the soil. Having three homes on private septic systems would be more detrimental to this community than having this development with an onsite treatment system. The proposed system would be checked by a licensed Ohio EPA specialist on a regular basis. The water is not infiltrating into the soil that is going through a storm drainage system going into Buck Creek. The shallow wells are what you should be concerned about because you are drinking ground water. The well for this facility would be very deep and it will have a protected casing protecting the first 15 feet of the soil. Those are not detrimental from an engineering standpoint to your properties and what is already going on in New Moorefield. Mr. Hillard referenced the gentleman that attested to the storm water, and until we get out and do our survey work we will not know exactly. But that storm line he depicted in the drawing goes the opposite way of the storm water and that could be part of the problem. If there currently is a problem, this community is missing an opportunity to allow the Applicant to improve that system. From engineering standards, we have to improve it or the project does not go forward. There are many county entities that have to sign off. The reason we are really here is the social aspect of the zoning whether the density is right for the community.

Mr. Jurick asked you stated that the wells would not run during a power outage. For this size of community would there need to be a backup power source for the wells? Mr. Hillard responded I am not sure. Mr. Jurick then asked if the Health District would require a backup generator. Mr. Hillard responded no. I do not believe a backup generator is a requirement for an apartment complex. Mr. Jurick stated that is a concern. Mr. Hillard added I do not believe there is a regulation for that. Mr. Jurick stated when you have that many people without water, that is a big problem. Mr. Hillard stated if there is a backup generator it will also run the sanitation system. They go hand and hand. It would not be allowed to have a backup generator for a water system only that did not also cover the sanitation system. Mr. Jurick stated that could be a condition we add if we approve this. Mr. Hillard stated with that being said, that would be a better scenario in New Moorefield in the instance of a power outage and a 44 unit apartment complex has power and water.

Mr. Jurick asked for an explanation on the underground detention system, will it be vaulted. Mr. Hillard explained the process of the underground detention system without the vaults. Mr. Jurick then asked could they use that for the 9,600 gallons coming out of the treatment plant as well? Mr. Hillard responded that would be considered a septic injection well, and the Ohio EPA does not like to inject sewage water into the ground. They want that water to be measured and tracked. Mr. Jurick asked so it has to leave the site. Mr. Hillard responded yes.

Mr. Lane asked the same collection area that might be under the parking lot, does the existence of the tile we were told about impact the plan. Mr. Hillard responded no it does not impact the plan. Mr. Lane then asked if it would impact the tile. Mr. Hillard responded no. In drainage law, the water

that comes to your property you have to manage through your property. So if there is currently a tile on this property, you have to maintain that flow. Mr. Hillard explained because of development standards this will lessen the runoff to what it was when it was a school and equal to what it is now. But we have to figure out how to get rid of that storm water and septic water correctly. So if there is a storm water infrastructure, we can improve on it. This is an opportunity to fix historical problems in New Moorefield's drainage issue.

The Applicant explained when I bought this property I was interested because it was a piece of property where I was born and raised. Maybe it is not 44 units, maybe it is 22 units or maybe it is 28 units. But I am going to keep this place and keep it nice. This is an investment into the community where I was raised. It will be very well taken care of. I am not selling this property. I have a back list of people wanting to rent houses in Clark County for more than \$1,200 a month. We will have it full before it is done. We will not have drug dealers. That is not how we run operations. If we do get this opportunity, maybe I can change some opinions of people in this room and make you proud.

Mr. Jurick asked if we Table this case are you willing to meet with the residents to come up with a number that we would not need a big crowd. Mr. Chester responded I am open to the discussion.

Chairperson Brust explained new apartment rentals in Clark County are anywhere from \$1,700-\$1,900 a month. You are proposing a substantial infrastructure expenditure because of the lack of water and sewer, which goes into the fixed cost of the development. What size of units are these? The Applicant responded they are 1,000 sq. ft., two bedrooms. He explained he is the general contractor for the project, so we do not have that markup. We can build better buildings for less money. You take that money where you invest and see where you can make your return. We will be competing with Northridge Apartments and we will have a better unit.

Matt Taylor (Board Member Alternate) had to leave the meeting at 11:26 am.

Chairperson Brust stated you are proposing to build in a community who have some real issues with it. People are opposed to it. Also, the County Planning Commission and the staff all recommend we have some type of sign off the regulatory agencies. So is it feasible for the project to go forward based on the infrastructure. The Applicant responded to have a solution you first have to have a problem. Yes we have issues to resolve but with the approval of the rezoning, then it is time to get to work to find solutions for the problems. Chairperson Brust stated that is part of the issue, we do not necessarily feel comfortable granting the rezoning with these issues still out there. We have a community highly motivated to be in opposition. We try to make sure as the Rural Zoning Commission that for people that live in the rural parts of the county their issues are addressed. The Applicant responded then we have to figure out who or what goes first. But with that being said, if I get this rezoning but the Ohio EPA does not sign off or the county does not sign off, then its wasted money. The rezoning is the first step in my opinion. If I go to the Ohio EPA and they said yes, and I come back here and then you say no, then were at a dead lock. If I get your approval, it still does not mean these can be built. Chairperson Brust explained I still go back to the recommendations that have been made by the agencies within the county and they are all coming to the same conclusion, which is to Table the request until we know if this is feasible.

Mr. Hillard stated coming from the technical side of this I have a real issue with the Rural Zoning Board taking a technical angle. We cannot do a feasibility study until we know what we are trying to build. A 10 unit development looks a lot different than a 44 unit development. The cost analysis of weather that works looks a lot different. There are folks in every step of this process to make sure all of these other entities are getting an approval. In my opinion this Board should look at the zoning aspect. Utilities, storm water and drainage have nothing to do with zoning. This about the density.

This is why they came here. We heard their concerns and we make sure we do not cause issues. But that is part of all the technical offices after this zoning meeting.

Chairperson Brust stated, you need to take a step back and meet with the community and determine what is an acceptable number. We have dealt with water issues in many of our projects. It is part of the reasons why we choose to approve or not approve a zoning. Mr. Hillard responded that does not fall under your zoning umbrella and that was part of my discussion with Mr. Neimayer. There are other agencies in this county that look after water and sanitary. It depends on how big the sanitary is on whether it is the Clark County Health District or the Ohio EPA. This is not even the Health District's jurisdiction. The Ohio EPA will not look at a project without viewing design plans. They do not have time or people give an opinion about these things. My job as the engineer is to design the system following the state's guidelines. They will not even look at it until we fit in all guidelines. So the things you are asking for to Table this are all deep into the design of this project. By you granting this approval, it does not mean this project is going to happen. It means we now have a design standard we can go off of.

Chairperson Brust stated we will agree to disagree on the process. Mr. Spahr asked if we could have a private discussion based on our training and our role here. Mr. Neimayer explained the Board's process of the public hearing to hear all public testimony presented, information from Staff and Technical Review Committee and then make a recommendation to the County Commissioners. Chairperson Brust stated we take into account all comments from all the entities. Contrary to some people's belief, we are not a rubber stamp Board. Mrs. Tuttle stated each entity will still have to review and sign off. If there are concerns along the way the Board can ask for more information. Chairperson Brust stated we had communications to review from the County Engineer's Office, the Moorefield Township Trustees, the County Planning Commission and the Staff recommendation. Based on those communications we do not have enough information to move forward with an approval. Mr. Hillard stated the power and duties of this Board are not stated in what you are saying.

A recess was called at 11:40 am. Time In: 11:45 am.

Chairperson Brust closed the public portion of the hearing at 11:46 am and asked for a motion.

**Action on Rezoning Case #Z-2022-06 ~ Property Owner: Premier Property Sales Ltd. ~ Applicant: Clay Chester ~ Location: 4266 Moorefield Rd., Moorefield Twp. ~ Request: rezone from R-2A to R-4 to develop the property into a 44-unit apartment development.**

Mr. Jurick would like to Table the case based on the discussion. The engineering point is a litigiment point but it is all based on density. It is an expense to go forward with a proposal that is not meeting community values.

Motion by Mr. Jurick, seconded by Mr. Spahr, to ***Table*** this case until the June 9, 2022 meeting contingent on the issues but most importantly for the Applicant to meet with the community to come up with a lower density that meets the community's values.

**VOTE: Yes:** Mr. Jurick, Mr. Spahr, Mr. Leis and Mr. Lane.

**No:** None.

***Motion Carried.***

# **Minutes**

**Clark County Rural Zoning Commission**

## **Staff Comments**

Next scheduled meetings: June 9 & July 14, 2022.

## **Adjournment**

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

**VOTE: Motion carried unanimously.**

The meeting was adjourned at 11:49 am.

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Mr. Ken Brust, Chairperson