

# **Minutes**

## **Clark County Planning Commission**

Regular Meeting ~ 2:00 p.m.  
Wednesday, June 5, 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: Mrs. Jo Anderson, Mr. Jay Kitchen, Ms. Louise Maurer, Mrs. Charlene Roberge, Mr. Mark Scholl, Mrs. Elaine Stevenson, Mr. David Stickney, and Commissioner Wilt.

Absent For Roll Call: Commissioner Lohnes, Commissioner McGlothlin and Mr. Don Wallace.

### **Excuse Absence of Board Member**

Motion by Mrs. Roberge, seconded by Mrs. Anderson, to excuse the absence of Mr. Wallace due to his grandson's graduation

**VOTE: Yes:** Mrs. Roberge, Mrs. Anderson, Mr. Kitchen, Ms. Maurer, Mr. Scholl, Mrs. Stevenson, Mr. Stickney and Commissioner Wilt.

**No:** None.

**Motion carried.**

### **Approval of the May 1, 2019 Minutes**

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

**VOTE: Yes:** Mrs. Roberge, Mrs. Stevenson, Mr. Kitchen, Ms. Maurer, Mr. Scholl, Mr. Stickney and Commissioner Wilt.

**No:** None.

**Abstain:** Mrs. Anderson.

**Motion carried.**

Chairperson Scholl asked for Staff to present the first case.

### **Preliminary Subdivision Case #SB-2019-02 ~ Property Owner/Applicant: Cheema & Associates LLC ~ Location: Dayton-Springfield Rd.; Mad River Twp. ~ across from Black Lane; PID #180-10-00017-000-125 ~ Request: Preliminary Subdivision Plan approval for two non-residential lots plus residual land, and a new public road to the new Community Mercy Health Partners Emergency Center.**

Mr. Allan Neimayer, Senior Planner, stated the subject property is located on the north side of Dayton-Springfield Rd. across from Black Lane and consists of 121.04 acres. The north part of the property is zoned I-1 (Industrial District) with the southern part zoned B-3 (General Business District). The Applicant is requesting Preliminary Plan approval for the Cheema-Lagos Subdivision, which consists of a new public road to the Community Mercy Health Partners' Emergency Center currently under construction, two lots of 1.69 acres and 2.90 acres both zoned B-3, and the residual land of the subject property – 114.31 acres. Not involved in the subdivision is a lot split-attachment of 0.7898

acres to be attached to 9104 Dayton-Springfield Rd., a single-family lot owned by the Applicant. In addition, there is a lot split-attachment of 0.0193 acres to be attached to Community Mercy Health Partners adjacent parcel.

The Preliminary Subdivision Plan has been submitted to the Tax Map Office for review. Marked up comments were forwarded to the Applicant and their surveyor/engineer to revise. Copies of the preliminary plan and construction drawings associated with the subdivision were distributed at the May 9, 2019 Technical Review Committee meeting. Comments from the County Engineer's Office dated May 22, 2019 were forwarded to the Applicant and their surveyor/engineer to address. Also, a comment letter dated May 14, 2019 from the County Utilities Department was forwarded to the Applicant and their surveyor/engineer to respond. The Applicant has informed Staff that these comments are being addressed.

There is floodplain on the eastern side of the subject property. The east part of Lot 2, approximately 1.5 acres, is located in the floodplain. Lot 1 is not in the floodplain. Public utilities are available to the subject property. Lots 1 and 2 will be serviced by both public water and sanitary sewer service. Both lots 1 and 2 are zoned B-3 (General Business District) no specific development of either lot has been identified at this time. The B-3 development standards and other applicable zoning regulations will apply at the time of development.

Staff recommends the Applicant's request for Preliminary Plan approval be granted as submitted subject to all comments from the County Engineer's Office and County Utilities Department be resolved and approved by those departments respectively. Pending preliminary plan approval, the Applicant shall follow the subdivision construction improvement process – Chapter 6.1 of the Subdivision Regulations – as applicable with the County Engineer's Office, the County Utilities Department and the Board of County Commissioners (i.e., construction plan approval, assurance and warranty, inspections).

Chairperson Scholl asked if there were questions for Staff.

Mrs. Roberge asked about the letter received from neighbors. Mr. Neimayer pointed out the addresses on the map.

Mrs. Roberge asked if the request would cause more run off. Mr. Neimayer responded the run off must be controlled on the site. Mrs. Roberge confirmed the issue will be addressed. Mr. Neimayer responded yes.

Mrs. Stevenson asked about the detention pond. Mr. Neimayer identified the proposed pond on the map and deferred questions to the County Engineer's Office.

Mrs. Stevenson asked when the County Engineer's Office would give the approval for the pond. Tom Bender, Clark County Engineer's Office, stated they are doing the storm water review. He noted the pond on the preliminary plan is currently for development of the roadway only. He stated there is an increase of runoff for the roadway and the pond is for that runoff. He stated again that it is still in review. He noted Tom Dusa, the Applicant's surveyor/engineer, has it adequately sized, but Mr. Bender cannot say it is approved yet. He noted each lot will be developed separately and will need to meet storm water management requirements.

Mrs. Stevenson asked if there was protection for the nearby homeowners. Mr. Bender responded yes.

Mrs. Stevenson asked if trucks could enter and make the turn to the hospital on the proposed road. She asked if there was enough clearance for semi and large trucks to turn without crossing the centerline. Mr. Bender responded he could not answer. Mr. Stevenson asked if there is a proper turning radius. Mr. Bender responded the approval is basic centerline, grade and typical cross section of pavement, and storm water in preliminary. He noted turning radius will be further reviewed. Mrs. Stevenson asked for it to be considered. Mr. Bender stated the road will be adequate for proper turns. He noted it does not mean a truck will not cross the centerline, but it will be adequate as a proper commercial drive.

Mr. Stickney asked if the drainage ran south. Mr. Bender responded yes to the detention pond. Mr. Stickney asked about any drainage to the east. Mr. Bender responded it has not been fully reviewed. He stated the main drainage review at this time is roadway drainage. He stated the actual lots are not part of this review. He stated the natural drainage to the north will continue.

Mrs. Stevenson asked if it was a private drive. Mr. Neimayer responded only that portion into the hospital property. Mrs. Stevenson asked if it is adequate. Mr. Bender responded it will be a commercial drive. It has not been reviewed in its entirety. Mrs. Stevenson asked if the county can dictate requirements. Mr. Bender responded yes.

With no further questions for Staff, Chairperson Scholl opened the public hearing at 2:21 pm. and asked if the Applicant would like to speak.

Tom Lagos, Applicant, 750 Shrine Rd., was sworn in. Mr. Lagos stated this is a win-win for Clark County and the neighbors. He stated his engineer is in the audience to answer any technical questions. Mr. Lagos noted this is a preliminary plan, and not a final plat. He stated he was making history since this is the first new subdivision presented in Clark County (unincorporated area) since 2010. He stated the hospital needs it. This will generate tax dollars. Mr. Lagos noted a representative of the hospital is also in the audience. He noted there is already a (traffic) light at the intersection with Black Lane, stating it was put in years ago.

Chairperson School asked if anyone else wished to speak.

Linda Riffle, 8856 Dayton-Springfield Rd., was sworn in. Ms. Riffle stated she is the daughter of the neighboring landowner. She stated her father could not be at this meeting, so she read the following letter dated 6-3-2019: "Due to our being unable to attend the meeting the meeting today Wednesday, June 5, 2019 (concerning the developing of the property on Dayton Springfield Road) this property lies directly West of the property owned by Charles W Sturni and Edna M. Sturni. We are asking our daughter, Linda S Riffle to read this letter at the above said meeting Edna and I have concerns such as: Additional flooding by water runoff from the changes made to the landscape to accommodate the proposed plan as shown in your letter and map that you provided us. We now farm this land next to the boundary line as shown. We do not want additional water to contend with. Proceeds made from this farming helps us in paying our real estate taxes. Other concerns are possible contamination to our well water and a spring that we enjoy here. We feel lucky to be tapped in to a clean clear aquifer."

Ms. Riffle than addressed her concerns. She stated her grandparents bought the property in 1926 and she grew up there. She stated in seven years it will be a 100-year farm. She noted she enjoys the country living, understanding farmland is quickly changing to brick and mortar establishments. She stated she knows the property well and the farm field floods every year. Any additional development will make it worse. The farmer has not been able to get in the field this year. The flood water has reached the barn many times. She needs to know what kind of things will be done to protect water on her and her parent's properties. She stated any alterations can provide additional

run off to their properties. Ms. Riffle stated she enjoys living there and wants to protect the land and the wells.

Mrs. Roberge asked Ms. Riffle if she understood the County Engineer's Office comments about her concerns. Mrs. Roberge stated the developer will be required to make sure they are compliant with the applicable regulations. She stated at the moment they are addressing your concerns. Mrs. Roberge asked if Ms. Riffle had any other concerns.

Ms. Riffle stated the retention pond is right when you turn in. she asked what was being considered about Lot 2.

Mrs. Roberge asked if the County Engineer's Office would meet with the neighbors. Mr. Neimayer responded that can be arranged with Staff. Mrs. Roberge encouraged Ms. Riffle to discuss concerns with the County Engineer's Office.

Ms. Maurer asked about the creek. Mr. Riffle stated the creek separates the properties. Mrs. Roberge stated the goal is to not damage surrounding property and the County Engineer's Office addressed that there will not be any additional runoff to adjacent property.

Chairperson Scholl asked if the Applicant wished to rebuttal.

Mr. Lagos stated he would be good neighbors and stated they were under legal obligation to follow storm water regulations.

John Derda, property manager for Mercy Health, was sworn in. Mr. Derda stated he is working on the project and excited to bring services to the area. He noted this provides access to the site and allows the site to grow. He noted the road is providing the foundation for a successful project.

Ms. Maurer stated her concern about water shed protection. She asked if that is a concern. She stated there was no disregard for the individual, but overall concern for watershed. Mr. Neimayer responded the property has public utilities. Potential impact on the water shed is unknown until an actual use is identified.

Mrs. Stevenson asked if the concern is about the aquifer and/or flooding. Ms. Maurer stated both. Mrs. Stevenson stated when you have public water and sewer it better protects. She noted development with public water and sewer is preferred.

Commissioner Wilt stated the County Engineer's Office and Clark Soil and Water Conservation District would evaluate the concerns. She noted the last 18 months have been historic in the amount of rain. She stated if you are in a floodplain area you are flooded now.

Chairperson Scholl closed the public hearing at 2:41 pm.

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

**Action on Preliminary Subdivision Case #SB-2019-02 ~ Property Owner/Applicant: Cheema & Associates LLC ~ Location: Dayton-Springfield Rd.; Mad River Twp. ~ across from Black Lane; PID #180-10-00017-000-125 ~ Request: Preliminary Subdivision Plan approval for two non-residential lots plus residual land, and a new public road to the new Community Mercy Health Partners Emergency Center.**

Motion by Mrs. Roberge, seconded by Commissioner Wilt, to **Approve** the Preliminary Plan as presented by Staff and subject to all comments from the County Engineer's Office and County Utilities Department be resolved and approved by those departments respectively.

**VOTE: Yes:** Mrs. Roberge, Commissioner Wilt, Mrs. Anderson, Mr. Kitchen, Ms. Maurer, Mrs. Stevenson

**No:** None.

Motion carried.

**Rezoning Case #Z-2019-03 ~ Property Owner/Applicant: Paul Wright ~ Location: 11172 Lower Valley Pike, Bethel Twp. ~ Request: Rezone from B-1(Neighborhood Business District) to R-1 (Rural Residence District) for residential use**

Mr. Neimayer stated the subject property is located at 11172 Lower Valley Pike and consists of 0.49 acres. The property is currently zoned B-1 (Neighborhood Business District). The Applicant would like to rezone the property to R-1 (Rural Residence District) to continue the residential use. The property was originally zoned R-1, single family. The owner of the property in 1967 received approval on August 24, 1967 to rezone the property to B-1 (Neighborhood Business District) to expand a farm market stand. Zoning of the property has remained as B-1 and the dwelling has been a legal, non-conforming use since 1967.

The CONNECT Clark County Land Use Plan identifies the subject area as Suburban Living, Low Intensity: Single family homes arranged along wide, curvilinear streets with few intersections and will either front or back onto shared natural areas. There is no floodplain in the subject area. There is no public water or public sanitary sewer in the subject area. The current right-of-way of this section of Lower Valley Pike is 50 ft., 25 ft. from centerline. The county's Thoroughfare Plan identifies this section of Lower Valley Pike as a Secondary Arterial with a projected right-of-way of 80 ft., 40 ft. from the centerline. Based on county GIS mapping, the overhang of the existing fruit stand appears to encroach into the current ROW of Lower Valley Pike.

Due to the subject property's current B-1 zoning, the existing dwelling could not be rebuilt and, because of this, a bank will not approve a loan. There are existing 'business districts' at the Lower Valley Pike intersections with Gerlaugh Rd. to the northeast and with Osborn Rd. to the southwest. The land use between those two intersections is predominately single-family residential with the exception of an existing I-1 property(machine shop) and Medway Cemetery across the street and the former garden center now a trucking business to the west. Staff recommends the Applicant's request to rezone the subject property from B-1 to R-1 be approved as presented.

Chairperson Scholl asked if there were questions for Staff.

Mrs. Roberge stated it is being used as residential and not as business. Mr. Neimayer responded yes.

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

**Action on Rezoning Case #Z-2019-03 ~ Property Owner/Applicant: Paul Wright ~ Location: 11172 Lower Valley Pike, Bethel Twp. ~ Request: Rezone from B-1(Neighborhood Business District) to R-1 (Rural Residence District) for residential use**

Motion by Mrs. Stevenson, seconded by Mr. Stickney, to **Approve** the rezoning as presented.

**VOTE: Yes:** Mrs. Stevenson, Mr. Stickney, Mrs. Anderson, Mr. Kitchen, Ms. Maurer, Mrs. Roberge and Commissioner Wilt.

**No:** None.

***Motion carried.***

**Rezoning Case #Z-2019-03 ~ Property Owners/Applicants: Loren & Susan Parker ~ Location: E. National Rd., PID #130-08-00011-000-060, Harmony Twp.,; Request: Rezone 25.9562 acres from B-3 (General Business District) to A-1 (Agricultural District).**

Mr. Neimayer stated the subject property is located on E. National Rd., PID #130-08-00011-000-060, consists of 85.14 acres and has split zoning. The north part of the property is zoned B-3 (General Business District) while the southern part is zoned A-1 (Agricultural District). A stream runs east-west thru the middle of the property. The Applicants would like to split the current 85-plus acres at this stream, which involves two steps. The first step, which the Applicants are requesting, is to rezone 25.9562 acres south of the stream currently zoned B-3 to A-1. Pending this rezoning being approved, the Applicants second step will be to file for a variance to the Board of Zoning Appeals to create a new lot with frontage less than 150 ft.

When zoning was adopted in Harmony Township in November 1971, the subject property's original 63.6937 acres was zoned B-3 (business district). The B-3 zoning has remained thru the present time. The additional 21-plus acres, originally zoned A-1, was attached to the original parcel in April 2011 thus creating split zoning.

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. There is no floodplain in the immediate area of the subject property. County public water or sanitary sewer service is not available to the subject property. The current 85-plus acres has 557± ft. of frontage along Us 40/E. National Rd. with a right-of-way approximately 54 ft. to the centerline of the east-bound lanes. The property also has 60 ft. of frontage along SR 54/S. Urbana-Lisbon Rd. with a right-of-way of approximately 30 ft. to centerline.

Rezoning of the 25-plus acres to A-1 as requested will remove an area zoned B-3 that should never have been zoned as such. This land has been in agricultural use since zoning for Harmony Township was adopted in 1971. Staff recommends the Applicants request to rezone the subject 25.9563 acres from B-3 to A-1 be approved as presented. Pending approval of this rezoning request, the Applicants are hereby informed that in order to split the subject 83-plus acre property as intended, a variance for reduced frontage in the A-1 District is also required from the Board of Zoning Appeals.

Mrs. Stevenson asked why it was zoned B-3. Mr. Neimayer responded he was not sure; it was originally zoned B-3 in 1971. Mrs. Stevenson mentioned it was a dairy farm.

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## **Clark County Planning Commission**

Mrs. Roberge asked if the intent was for two parcels: one B-3 and the other A-1. She asked if this would take care of the split zoning, a clean-up. Mr. Neimayer responded yes.

Mr. Stickney asked who would have the liability of the creek. Mr. Neimayer responded it would be divided down the middle. Mr. Scholl stated both property owners need it for drainage, tile and drain into the creek. Mr. Stickney stated someone has to be responsible to clean it.

**Action on Rezoning Case #Z-2019-03 ~ Property Owners/Applicants: Loren & Susan Parker ~ Location: E. National Rd., PID #130-08-00011-000-060, Harmony Twp., Request: Rezone 25.9562 acres from B-3 (General Business District) to A-1 (Agricultural District).**

Motion by Mrs. Roberge, seconded by Mr. Kitchen, to **Approve** the rezoning as presented.

**VOTE: Yes:** Mrs. Roberge, Mr. Kitchen, Mrs. Anderson, Ms. Maurer, Mrs. Stevenson, Mr. Stickney and Commissioner Wilt.

**No:** None.

***Motion carried.***

### **Staff Comments**

Mr. Neimayer stated Staff does not have the additional changes to the proposed amendments ready.

Mr. Neimayer stated there would be a subdivision case with three non-residential lots for the expansion of Speedway Drive and a rezoning case for the July meeting.

He stated there is a pending annexation and rezoning on Tuttle Road (north of US 40) for retail development.

Mr. Stickney noted he would not be in attendance in July due to surgery.

### **Adjournment**

Motion by Mrs. Roberge, seconded by Commissioner Wilt, to adjourn.

**VOTE: Motion carried unanimously.**

The meeting was adjourned at 3:05 p.m.

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Mr. Mark Scholl, Chairperson

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Mr. Thomas A. Hale, Secretary