

Minutes

Clark County Planning Commission

Regular Meeting ~ 2:00 pm.
Wednesday, September 2, 2020

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Chairperson Scholl of the Clark County Planning Commission called the meeting to order at 2:03 pm. and asked for the Roll Call.

Present For Roll Call: Commissioner Rick Lohnes, Ms. Louise Maurer, Commissioner Lowell McGlothlin, Mrs. Charlene Roberge, Mr. Mark Scholl, Mr. Ken Knight, Mr. Jay Kitchen, Mr. Dave Stickney, Mr. Don Wallace and Commissioner Melanie Wilt.

Absent For Roll Call: Mrs. Jo Anderson.

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

Approval of the August 5, 2020 Minutes

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

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

No: None.

Motion carried.

Chairperson Scholl asked Staff to present the case.

Rezoning Case #Z-2020-07 ~ Property Owner/Applicant: James Smith ~ Agent: Cynthia Gracy Trustee ~ Location: 205-209 S. Tecumseh Rd., Bethel Twp. ~ Request: Rezone 2.04 acres from R-1 to PD-R to allow for two separate (existing) dwellings on the same parcel.

Mr. Allan Neimayer, Senior Planner, stated that the subject property is located at 205-209 S. Tecumseh Road and consists of 2.04 acres. The property is currently zoned R-1 (Rural Residence District). The Applicant would like to rezone the subject property from R-1 to PD-R (Planned District-Residential) to allow the two dwellings on the same parcel and to allow a major renovation and enlargement of one of the dwellings. According to the County Auditor's records, both homes were built prior to zoning being adopted for Bethel Township making the land use a legal, non-conforming use. The south home is in need of repairs, which may result major reconstruction, enlargement, of the home to meet current building code requirements. The only zoning district available that will allow more than one dwelling per lot is the PD-R district. Therefore, Staff recommends the Applicant's request to rezone the subject property from R-1 to PD-R be approved as presented.

Ms. Roberge asked, I am assuming you have not had any complaints? Mr. Neimayer responded that is correct.

Mr. Tom Lagos, surrounding property owner, stated that he is supportive of this rezoning application.

With no further questions for Staff, Chairperson Scholl asked for a motion.

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

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

No: None.

Motion carried.

Chairperson Scholl abstained from the next case as he is representing the Applicant.

Vice-Chairperson Maurer presided over the next case.

Rezoning Case #Z-2020-08 ~ Property Owner/ Applicant: Robert McCann ~ Location: south of 2167 Lake Rd., Bethel Twp. ~ Request: split off and rezone 0.183 acres from R-1 to R-CL to be attached to 2167 Lake Rd.

Mr. Neimayer stated that the subject property is located south of 2167 Lake Road, PID#010-05-00025-132-036, and consists of 0.63 acres. The property is currently zoned R-1 (Rural Residence District). When the attached garage was constructed, it was built over the lot line. The main property, 2167 Lake Road is zoned R-CL (Residential-Crystal Lakes). The Applicant would like to resolve the encroachment of the attached garage, having the entire home on the same parcel. Hence, the Applicant has filed this rezoning request. The remainder of PID# 010-05-00025-132-036 will be attached to 2195 Lake Road, PID# 010-05-00025-132-051. Staff recommends the Applicant's request to rezone the subject 0.183 acres from R-1 to R-CL be approved as presented subject to the following conditions.

1. Verification of the well location and approval from Clark County Combined Health District.
2. Complete the lot split-attachment process for both 2167 Lake Rd. and 2195 Lake Rd.

Commissioner Wilt asked, so nothing related to access changes? Mr. Neimayer responded that is correct. Vice-Chairperson Maurer asked, is this the same owner for both lots but they are wanting to change zoning for an extension of one of them? Mr. Neimayer stated that the northern lot is owned by Mr. Robert McCann and the southern lot is owned by Mr. James McCann. Vice-Chairperson Maurer adds, they are different lots but the same family. Mr. Neimayer responded that is correct.

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

Motion by Commissioner Wilt, seconded by Mr. Kitchen, to **Approve** the rezoning case as presented. Commissioner Wilt amended her motion to **Approve** the rezoning case including the two conditions listed in Staff's recommendation. Mrs. Roberge seconded the Amended motion.

VOTE on the Amended Motion:

Yes: Commissioner Wilt, Mrs. Roberge, Mr. Kitchen, Commissioner Lohnes, Commissioner McGlothlin, Mr. Knight, Mr. Stickney and Mr. Wallace.

No: None.

Motion carried.

Mr. Scholl stepped back in as Chairperson and asked Staff to present the next case.

Rezoning Case #Z-2020-09 ~ Property Owner/Applicant: Suburban Investment Co. ~ Agent: Tom Logos ~ Location: 12250 Lower Valley Pk., Bethel Twp. ~ Request: Rezone 1.6± acres from A-1 to B-2 for retail sale of guns, ammunition and related items, and office for the manufactured home park.

Mr. Neimayer stated that the subject property, known as the McMahan's Fairway Terrace Manufactured Home Park, is located at 12250 Lower Valley Pike and consists of 108.78 acres. The property is currently zoned A-1 (Agricultural District). The property includes an approximate 8,000 sq. ft. building that has been used as an office for the Park. The Applicant would like to use the building for retail sale of guns, ammunition and related items, along with continued use as the office for the manufactured home park. Because the building was constructed after zoning was adopted for Bethel Township, the Applicant has filed this rezoning request to rezone a 1.6± acre area that includes the building and adjacent parking from A-1 (Agricultural District) to B-2 (Community Business District).

Staff would normally recommend denial of a request for split zoning because it creates zoning lines that are not tied to actual property boundary lines with a legal description. However, because of the existing sanitary sewer infrastructure for the manufactured home park, a private system, Staff recommends the proposed 1.6+ acre site be rezoned from A-1 to B-1S (Specific Use) limiting uses to retail sales of guns, ammunition and related items, along with office for the manufactured home park. Staff feels that a full B-2 zoning approval could permit other uses that may not be compatible with the area due to floodplain, access and the provision of water and sanitary sewer utilities.

Ms. Maurer asked, has anyone contested this business use? Mr. Neimayer responded, at this point I have received no communication.

Commissioner Wilt asked, will the neighbors receive information if they are not owners of the property? Mr. Neimayer responded, they would not. Commissioner Wilt stated, it sounds like it is retail for those uses. If this is rezoned to B-1S with specific use limiting it to guns, ammunition and related items, as well as office for the manufacturing home park, it would preclude the owner from changing the use without going back through rezoning. Commissioner Wilt stated, I find that a little cumbersome. I get it if we want to say these specific retail items only. Or it could go the other way and become a lion's den. But the other way it seems kind of silly if it is a less controversial use. The specific use seems so specific in this case. Ms. Maurer adds, it does seem odd.

Commissioner Lohnes asked for the Owner's Agent, Mr. Tom Lagos, to make a statement on this case. Mr. Lagos stated, we would prefer a more expansive use, although we can see where Mr. Neimayer is coming from. We need to keep it one parcel. The last thing we want to do is get the EPA involved. We would prefer a bigger use but there have been some very valid points made so we can live with what Mr. Neimayer has recommended.

Commissioner Wilt questioned, will there be guns firing there? I know when I purchase a gun, I would like to see it in action. Mr. Lagos replied, I really do not know and my client is not here with me. But if we do exactly what Mr. Neimayer has recommended and go from A-1 to B-1S limiting use to retail sales of guns, ammunition and related items as well as the office, we could live with that. The McMahan's are very reputable business owners in Clark County. The last thing they would do in the facility is endanger anyone in the manufactured home park. Commissioner Wilt added, I was thinking less of the danger and more about noise and future complaints.

Commissioner Lohnes asked Mr. Neimayer, are there very specific issues with a gun range? Mr. Neimayer responded, I would call them specific guidelines, and those are handled through the state. It is not a local zoning matter. Commissioner Lohnes added, you cannot just turn any business into a shooting range.

Mrs. Roberge asked, so if we change this today, are they allowed to shoot guns in this location? Mr. Neimayer responded, no because that use is not being requested. Commissioner Lohnes added, there would be multiple hoops they would need to jump through to get a shooting range in that location.

Mr. Knight asked how the Board notifies the surrounding property owners. Is there signage put up that lets people know there is a rezoning in their area? Mr. Neimayer responded, no. There is a notice in the paper, and we send out a notification to property owners within 200 feet of the subject property. Mr. Knight adds, we should we do a better job of notification.

Mr. Wallace asked, any response from Bethel Township Trustees? Mr. Neimayer responded, no. Mr. Wallace added, there might be some delay until they can provide input. Commissioner Lohnes adds, they have the same opportunity on this case that they have had on any other rezoning case.

Mr. Lagos stated, we just missed the deadline on being a non-conforming use many decades ago. We are trying to comply with Mr. Neimayer's direction.

Ms. Maurer stated, according to the map those residences are pretty close by. Chairperson Scholl stated, those are manufactured homes. Mr. Neimayer added, if you look at the map the residences around Lower Valley Pike have been notified. But those in the mobile park itself have not because they fall under the land owner. Per state law, we notify the property owner.

Chairperson Scholl states, they are asking for a legitimate request to sell an item. They are not asking for a shooting range. Just because it is guns, it should be no different than any other retail item, so I do not have a problem with this. Mr. Stickney added, we have not heard any negative comments from surrounding land owners.

With no further questions for Staff, Chairperson Scholl asked for a motion.

Motion by Mrs. Roberge, seconded by Commissioner Lohnes, to **Approve** the rezoning the 1.6± acre site as presented from A-1 to B-1S (Specific Use) limiting uses to retail sales of guns, ammunition and related items, along with office for the manufactured home park.

VOTE: Yes: Mrs. Roberge, Commissioner Lohnes, Commissioner McGlothlin, Mr. Knight, Mr. Stickney, Commissioner Wilt and Mr. Kitchen.

No: Mr. Wallace and Ms. Maurer.

Motion carried.

Staff Comments

Mr. Neimayer stated the next scheduled meetings are October 7 and November 4, 2020.

Adjournment

Motion by Mrs. Roberge, seconded by Commissioner Lohnes, to **Adjourn**.

VOTE: Motion carried unanimously.

The meeting was adjourned at 2:35 pm.

Mr. Mark Scholl, Chairperson