

RECORD OF PROCEEDINGS

Held _____

Springfield Township Trustees

May 25, 2021

Rezoning Hearing

Meeting called to order by Jim Scoby, Board President Beginning 5:45 PM

Mr. Scoby Explained the Public Hearing Process, and asked for the Staff Report on the following case:

Board Members Roll Call

Trustee Tim Foley	Not Present
Trustee Jim Scoby	Present
Trustee John Roeder	Present
Fiscal Officer Mark Smith	Present

Employee / Visitors in Attendance

Employees: Jennifer Tuttle, Vicki Gundolf

Visitors: Kelly Rodriguez, Judy Sheridan

Zoning Public Hearing on Case # Z2021-001

Planning Staff

Jennifer Tuttle There is a packet of information from a Power Point (Exhibit A). This is case S-2021-02 the property owner is Kelly Rodriguez, no current address for property. Parent parcel located adjacent to 4830 South Charleston Pk. This is to rezone 1.6± acres from A to B-2 and split off the parent parcel for a mercantile store.

QUESTIONS FROM TRUSTEES

NONE

OPEN TO THE PUBLIC

IN FAVOR FOR THE RE ZONING

NONE

AGAINST THE RE ZONING

Public

Rebuttal by Property Owner

RECORD OF PROCEEDINGS

Minutes of

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 8101

Held

Close the Public Hearing the time is 5:36 PM

Deliberation among the Trustees

Resolution: Z-2021-001

BE IT FURTHER RESOLVED by the Township Trustees

ZONING MAP AMENDMENT

WHEREAS, a rezoning application has been filed by Kelly Rodriguez, Trustee, Property Owner and Applicant of Parcel No. 300-07-00030-000-133 #S-2021-02 to rezone 1.6± acres from A to B-2 and split off from parent parcel for a mercantile store. (located adjacent to 4830 South Charleston Pike); and

WHEREAS, the CEDA Regional Planning Commission heard this rezoning case at their March 4, 2021 meeting and has recommended to the Township Zoning Commission that the rezoning request be approved as presented; and

WHEREAS, the Township Zoning Commission held a public hearing on April 21, 2021 and, following said hearing, passed a motion recommending to the Township Trustees that the rezoning request be approved as presented; and

WHEREAS, the Township Trustees held their public hearing on May 25, 2021.

NOW, THEREFORE, BE IT RESOLVED the Board of Trustees of Springfield Township, Clark County, Ohio approve the Applicants Rezoning Case #S-2021-02 as presented.

Motion to approve by John Roeder
Second by Jim Scoby

Discussion

Roll Call

Mr. Scoby Yes Mr. Roeder Yes Mr. Foley Not Present

Zoning Public Hearing on Case # Z2021-002

Planning Staff

RECORD OF PROCEEDINGS

This is zoning case S-2021-03 the application is Tony Smith, and there are 3 parcels 401 and 433 Highview and 0 Cleve. (See Exhibit B) First is to split off the existing single-family home site and rezone to R-4 and combine all remaining property with the Applicant's abutting Cleve Ave. property and rezone to I-3S for the existing land uses of building material storage, contractor storage and equipment yard. This came from a code enforcement complaint. Mr. Smith put in a driveway on a residential property and this needed to be done to be in compliance.

QUESTIONS FROM TRUSTEES

NONE

OPEN TO THE PUBLIC

IN FAVOR FOR THE RE ZONING

NONE

AGAINST THE RE ZONING

Public

Rebuttal by Property Owner

Close the Public Hearing the time is 5:51PM
Deliberation among the Trustees

Resolution: Z-2021-002

BE IT FURTHER RESOLVED by the Township Trustees

ZONING MAP AMENDMENT

WHEREAS, a rezoning application has been filed by Tony Smith, Property Owner & Applicant of 401 and 433 Highview Avenue and of Parcel No. 300-07-00032-400-016 on Cleve Avenue, #S-2021-03, to a) split off the existing single-family home sites at 401 & 433 Highview Ave. and rezone to R-4, and b) combine all remaining property with the Applicant's abutting Cleve Ave. property and rezone to I-3S for the existing land uses of building material storage, contractor storage and equipment yard.; and

WHEREAS, the CEDA Regional Planning Commission heard this rezoning case at their April 8, 2021 meeting and has recommended to the Township Zoning Commission that the rezoning request be approved as presented; and

WHEREAS, the Township Zoning Commission held a public hearing on April 21, 2021 and, following said hearing, passed a motion recommending to the Township Trustees that the rezoning request be approved as presented; and

RECORD OF PROCEEDINGS

Minutes of ~~WHEREAS, the Township Trustees held their public hearing on May 25, 2021.~~ *Meeting*
BARRETT BROTHERS - DAYTON, OHIO Form 8101

NOW, THEREFORE, BE IT RESOLVED the Board of Trustees of Springfield
Held Township, Clark County, Ohio approve the Applicants Rezoning Case #S-2021-03
as presented.

Motion to approve by John Roeder

Second by Jim Scoby

Discussion

Roll Call

Mr. Scoby Yes Mr. Roeder Yes Mr. Foley Not Present

Motion to adjourn

Motion to approve by Jim Scoby

Second by Tim Foley

Discussion

Roll Call

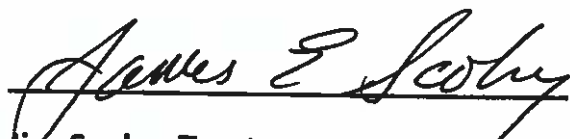
Mr. Scoby Yes Mr. Roeder Yes Mr. Foley Yes

This public hearing meeting is adjourned at 5:55PM

Springfield Township Trustee Meeting to follow at 6:00PM

Board Certified

Tim Foley, Trustee


Jim Scoby, Trustee


John Roeder, Trustee

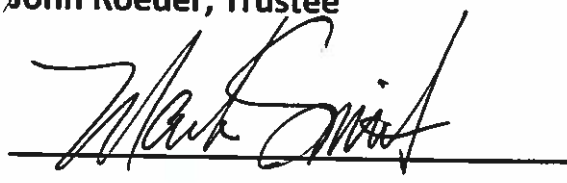

Mark Smith, Fiscal Officer

Exhibit A

5/25/2021 Rezoning Hearing
SPRINGFIELD TOWNSHIP, CLARK COUNTY, OHIO

Staff Report: April 22, 2021
Case Number: S-2021-02

Springfield Township Board of Trustees
Meeting Date: May 25, 2021

Property Owners

Kelly Rodriguez Trustee

Applicants

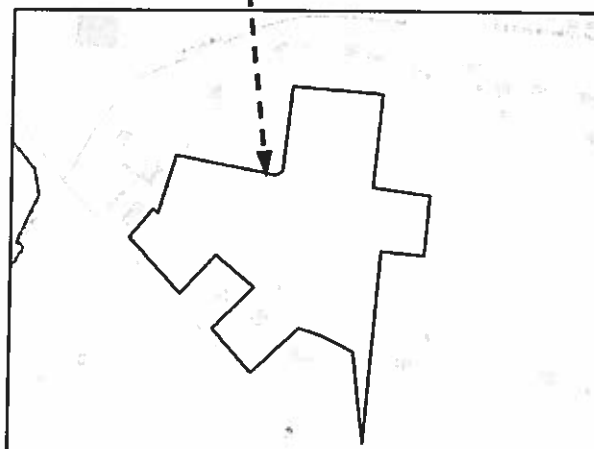
Kelly Rodriguez Trustee

Subject Property Address

0 S Charleston Pike

Amended Summary of Request:

Rezone 1.6± acres from A to B-2 and
split off from parent parcel for a
mercantile store.



Existing Zoning	Existing Land Use	Surrounding Zoning and Land Use	Size of Subject Property
A, R-1 and B-3	Personal and agriculture	North, A & R-1; SF residential East, A & OR-1; SF residential South, A; Rose Hill Cemetery West, B-3; Dan's Towing & BP Station	19.67 acres

Description of Subject Property and Request

The subject property is located at 0 South Charleston Pike and consists of 19.67 acres. The subject property has mixed zoned: A, R-1 and B-3. The Applicant would like to convert a portion of the existing barn for a mercantile store. This barn is located on the "A" zoned portion of the subject property.

Zoning Regulations

The B-2 Community Business District is to provide for a variety of business functions serving the needs of consumers beyond the immediate neighborhood. In addition to B-2 allowed uses, those uses under B-1 would also be allowed.

In follow up discussions with the Applicant, she intends on using 1,000 sq. ft. of the existing barn for the mercantile store. In accordance with zoning requirements for off-street parking spaces, this calculates to a minimum of four (4) spaces required.

CONNECT Clark County Land Use Plan

The CONNECT Clark County Land Use Plan identified the subject property as Rural/Agricultural and Suburban Living, Low Intensity.

Floodplain

There is no floodplain in the immediate area of the subject property.

Utilities

There are no public utilities available to the subject property. The Applicant will need to follow up with the Health District for provisions of water and wastewater treatment.

Original Staff Recommendation to CEDA

Because the township's filing deadline was after the February Technical Review Committee meeting, there was no time for TRC review before the CEDA meeting. A plot plan that provides details on setback distances and the parking lot layout is needed to verify compliance with zoning regulations. This plot plan will also assist in providing preliminary comments to storm water management. Access/driveway improvements is under ODOT jurisdiction. Therefore, Staff recommends to CEDA that a recommendation be made to the Springfield Township Zoning Commission to *Table* this rezoning case until further information is provided and reviewed by the Technical Review Committee.

CEDA Regional Planning Commission Recommendation

The CEDA RPC met on March 4, 2021 to hear this rezoning case. Following discussion the CEDA Board passed a motion to:

1. Amend the Applicant's rezoning request to the B-2 District, and
2. Recommend that the Zoning Commission *Table* this rezoning case until further information is provided and reviewed by the Technical Review Committee.

Note: The CEDA Board discussed B-2 uses with the Applicant who agreed to amending the original rezoning request from B-3 to B-2.

Updated Staff Recommendation

Staff recommends the Applicant's request to split off and rezone a 1.6 ± acres from the parent parcel from A to B-2 be approved as presented subject to the following:

1. The lot split complies with applicable zoning setback requirements.
2. Applicant receives necessary approvals for the provisions of water and wastewater treatment.
3. Applicant receives necessary approval from ODOT.
4. Applicants works with the County Engineer's Office regarding stormwater management.

Zoning Commission Recommendation

The Springfield Township Zoning Commission held a virtual public hearing on March 17, 2021 to hear this rezoning case. Following that hearing and board discussion, the Zoning Commission passed a motion to *Table* the rezoning case to their next meeting to allow the Applicant to provide additional information as identified by Staff.

The Zoning Commission continued their public hearing on this rezoning case at their April 21, 2021 meeting. After the hearing and board discussion, the Zoning Commission passed a motion recommending that the Township Trustees approve the amended rezoning request of 1.6± acres from A to B-2 as presented with the same four conditions as noted by Staff.

Applicant's Original Narrative:

02/16/2021

Kelly Rodriguez

Proposal to rezone Parcel 3000700003000133

I am requesting to rezone 1 acre of my 19.6 acres. The 1 acre includes a barn which I plan to use for my business. The barn itself does not need any exterior work, most work will be done to the interior. The business will be a mercantile store that will be operated out of the barn. All food and beverages will be sold over the counter and there will be no table service.

The barn is over 300 feet from the road. We will be grading the land between the road and the barn to help stormwater runoff and that will be the site of the parking lot. We have an existing entrance on one side of the lot and an exit on the other side on the other side will be created. The parking lot and driveways will be blacktop. This will be the only site changes being made.

Thank you for your time and consideration.

Kelly Rodriguez

Update Plot Plan, 4-21-2021



Signage will be on the barn & there will be no parking lot lights.

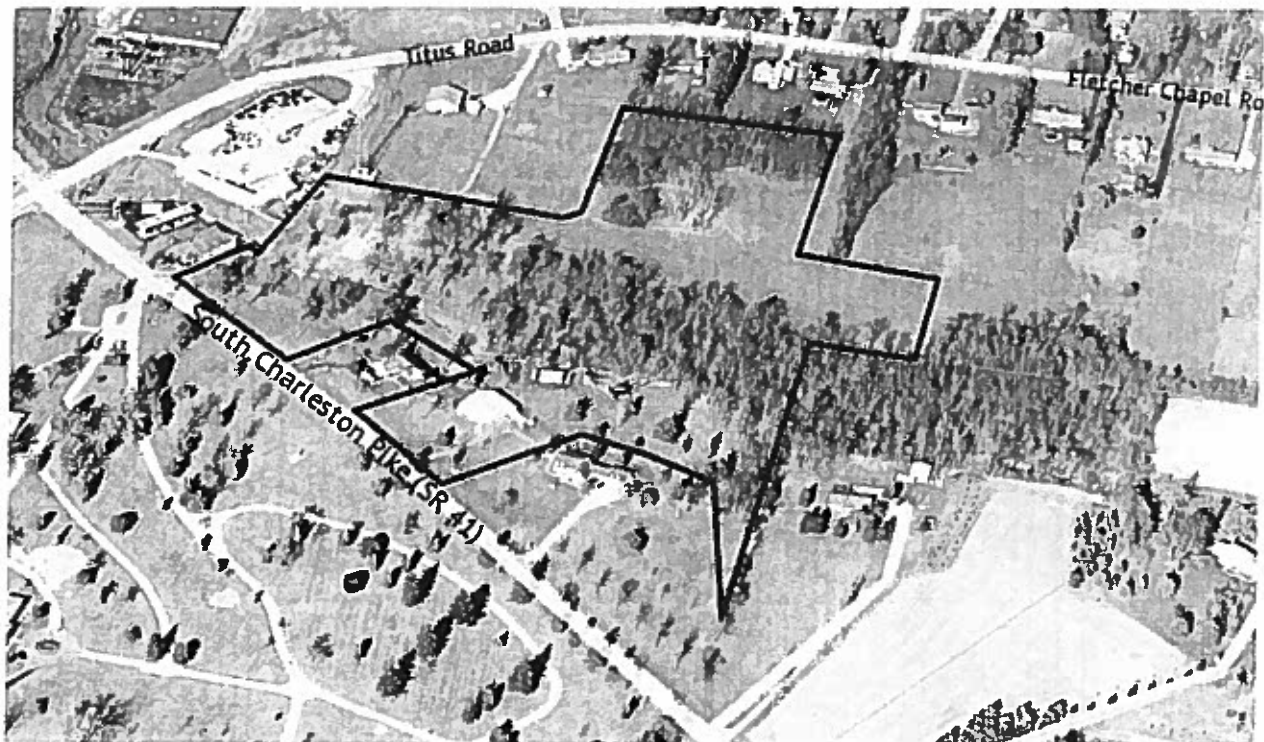
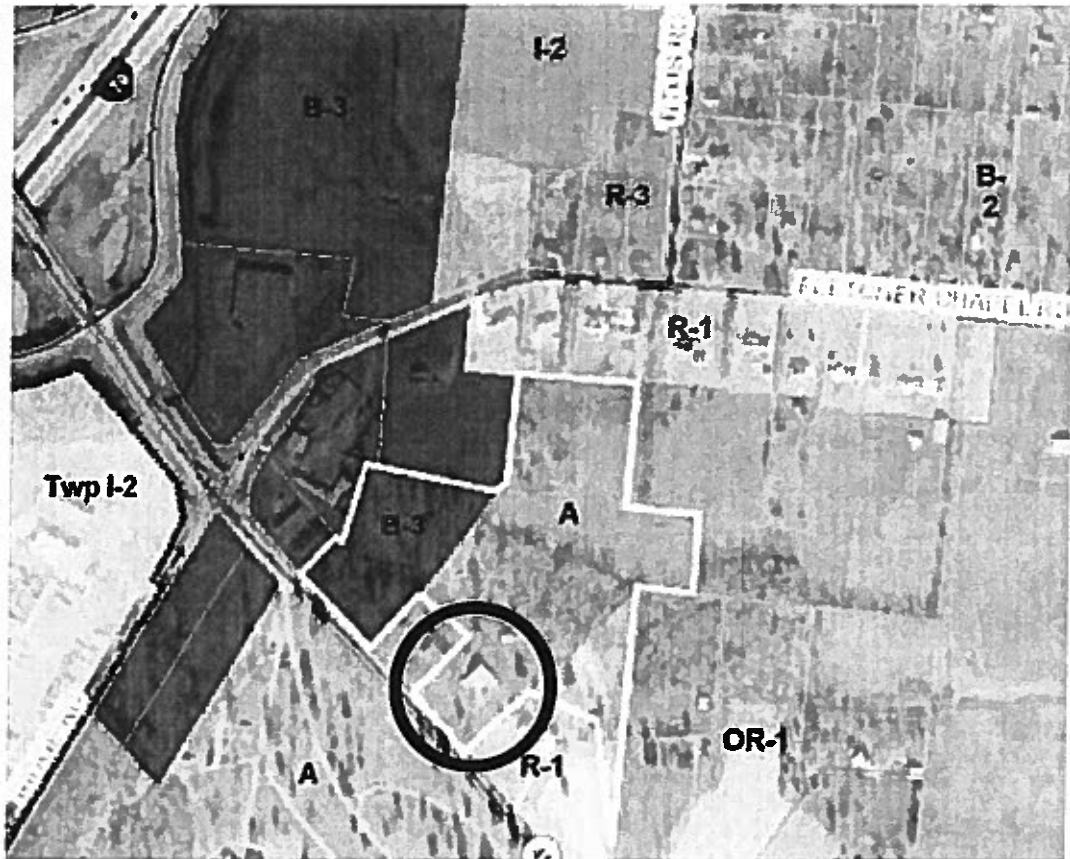
1.6± acres (red outline)

1,000 sq. ft. of the barn to be used for the store.

Parking: minimum 4 spaces.

Parking lot will be graded & black top.
There will be some landscaping around the parking lot.

Current Zoning



Springfield Township Zoning Regulations; Uses Allowed under B-1 & B-2 Districts

B-1

- A. Baked goods shops, retail only.
- B. Barber and beauty shops.
- C. Candy and ice cream stores.
- D. Drug stores
- E. Pick-up stations for dry cleaning and laundry.
- F. Dry cleaning and Laundromats of the self-service type.
- G. Grocery and delicatessen stores.
- H. Parks, playgrounds, community centers and libraries.

B-2

- A. Any use permitted as a Permitted Use in Section 1101.
- B. All retail businesses, service establishments, or processing uses as follows:
 - 1. Any retail businesses whose principal activity is the sale, rent or lease of merchandise in an enclosed building.
 - 2. Any service establishment of an office, showroom, workshop of an electrician, decorator, dressmaker, tailor, baker, painter, or upholsterer; an establishment doing radio or home appliance repair, photographic reproduction, or similar service establishments that require a retail adjunct.
- C. Private clubs, fraternal organizations, and lodge halls.
- D. Eating place: 1) Eating places #1: as defined in Section 205.01; 2) Eating places- carry-outs. As defined in Section 205.03
- E. Business schools and colleges or private school operated for profit.

Conditional Uses

- F. Automobile service stations, when developed as part of a larger planned shopping center which has been designed so as to integrate the automobile service station with the site plan and architecture of the total shopping center.
- G. Indoor recreation (wholly enclosed places of recreation or amusement) i.e., theaters, bowling alleys, billiard halls, indoor archery ranges, indoor tennis courts, indoor skating rinks, assembly halls or concert halls.
- H. Eating places #2 as defined in Section 205.02.
- I. Indoor Gun Clubs and ranges as defined in Section 3501(D).

Minutes

CEDA Regional Planning Commission

Regular Meeting ~ 3:00 pm.
Thursday, March 4, 2021

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

This meeting was conducted using Zoom due to the Covid-19 Shelter in Place order

Chairperson Hanlon of the CEDA Regional Planning Commission called the meeting to order at 3:02 pm. and asked for the Roll Call.

Present For Roll Call: Mr. Mike Hanlon, Ms. Theresa Hartley, Mr. Dan Kelly, Mr. Charles Morris, Mrs. Charlene Roberge and Ms. Kathryn Lewis-Campbell

Absent For Roll Call: Dick Shaw.

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

Approval of the November 5, 2020 Minutes

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

VOTE: Yes: Mrs. Roberge, Ms. Hartley, Mr. Hanlon, and Ms. Lewis-Campbell

No: none

Motion carried.

Approval of the December 3, 2020 Minutes

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

VOTE: Yes: Mrs. Roberge, Ms. Harley, Mr. Hanlon, and Mr. Kelly

No: None

Motion carried.

Chairperson Hanlon asked staff to present the case

Case #2021-Z-01 ~ Initiated by the City of Springfield ~ Locations: 4440 Laybourne Rd.; PID #305-07-00009-000082; and 0 South Charleston Pike, PID #305-07-00009-000-084 ~ Request: To change the city sign district designation to Commercial Highway.

Mr. Stephen Thompson, City of Springfield Planning, Zoning and Code administrator explained the staff report.

Mrs. Roberge asked if there were any plans yet or if they were just getting the zoning. Mr. Thompson stated Alex Dietz was on this call and the developer, Dillin Corp. He stated this was part of a project with the County and with Dillin Corp. being developed.

Mrs. Roberge stated new devolvment is always good.

Mr. Dietz added that Mr. Thompson was correct; this is just to prevent future barriers. He stated we'll have everything squared away.

Minutes

CEDA Regional Planning Commission

Mr. Morris asked how much land. Mr. Thompson replied 9.05 acres new split in the front of the fairground and then another approximately 4.44 acres.

Action on Case #2021-Z-01 ~ Initiated by the City of Springfield ~ Locations: 4440 Laybourne Rd.; PID #305-07-00009-000082; and 0 South Charleston Pike, PID #305-07-00009-000-084 ~ Request: To change the city sign district designation to Commercial Highway.

Motion by Mrs. Roberge, seconded by Ms. Lewis-Campbell to recommend **Approval** as presented

VOTE: Yes: Mrs. Roberge, Ms. Lewis-Campbell, Ms. Hartley, Mr. Kelly, and Mr. Morris

No: none

Motion carried.

Chairperson Hanlon asked Staff to present the next case

Case #S-2021-01 ~ Owner/Applicant: Kelly Rodriguez ~ Location: 0 South Charleston Pike, PID #300-07-00003-000-133 ~ Request: Rezone 1.0 acres, to be split off from A (Agricultural District) to B-3 (General Business District) for a mercantile store

Mr. Allan Neimayer, senior planner stated that the subject property is located at 0 South Charleston Pike and consist of 19.67 acres. The subject property has mixed zoned: A, R-1 and B-3. The Applicant would like to convert an existing barn for a mercantile store. This barn is located on the "A" zoned portion of the subject property. Because the township's filing deadline was after the February Technical Review Committee meeting, there was no time for TRC review before the CEDA meeting. A plot plan that provides details on setback distances and the parking lot layout is needed to verify compliance with zoning regulations. This plot plan will also assist in providing preliminary comments to storm water management. Access/driveway improvements is under ODOT jurisdiction. Therefore, Staff recommends to CEDA that a recommendation be made to the Springfield Township Zoning Commission to Table this rezoning case until further information is provided and reviewed by the Technical Review Committee.

Mrs. Roberge questioned the residential near it. She stated there are houses on either side. Mr. Neimayer replied, yes.

Mr. Morris asked if the applicant lived in one of those houses. The Applicant, Kelly Rodriguez, replied yes.

Mr. Kelly mentioned storm water on 41, as well as the homes on either side. He asked if staff heard from the other neighbors. Mr. Neimayer replied no.

Ms. Kelly Rodriguez stated she owns the house to the right and her family lives in the house to the left side.

Mrs. Roberge asked the Applicant if she would consider going to a B-2 instead of the requested B-3. Ms. Kelly Rodriguez replied yes.

Chairperson Hanlon verified with Mr. Neimayer that based on staff recommendations you think this needs to be tabled. Mr. Neimayer replied, you can hear this case, make your recommendation, and move it onto the Zoning Commission for consideration.

Minutes

CEDA Regional Planning Commission

Ms. Kelly Rodriguez stated this request has been visited before in the past. She stated she had a survey done for the 1 acre split and storm water as well. She stated she was trying to locate the documents.

Action on Case #S-2021-01 ~ Owner/Applicant: Kelly Rodriguez ~ Location: 0 South Charleston Pike, PID #300-07-00003-000-133 ~ Request: Rezone 1.0 acres, to be split off from A (Agricultural District) to B-3 (General Business District) for a mercantile store

Motion by Mrs. Roberge, seconded Mr. Morris to recommend **Approval** as a B-2 instead of a B-3

VOTE: Yes: Mrs. Roberge, Mr. Morris, Ms. Hartley, Mr. Kelly, and Ms. Lewis Campbell

No: none

Motion carried.

Election of Officers

Motion by Ms. Lewis Campbell, seconded by Ms. Hartley, for Chair to remain Charlene Roberge and Vice Chair to remain Dan Kelly.

VOTE: Yes: Ms. Lewis-Campbell, Ms. Hartley, Mr. Hanlon, Mr. Morris, Mrs. Roberge and Mr. Mr. Kelly

No: none

Motion carried.

Staff Comments

Mr. Neimayer stated the next scheduled meetings are April 8 and May 6, 2021.

Adjournment

Motion by Mrs. Roberge, seconded by Mr. Kelly to **adjourn**.

VOTE: Motion carried unanimously.

The meeting was adjourned at 3:32 pm.

Mr. Michael Hanlon, Chairperson

Minutes

Springfield Township

Zoning Commission

Regular Meeting ~ 6:00 pm.
Wednesday, April 21, 2021

2777 Springfield-Xenia Road
Springfield, Ohio 45506

Mr. Lee Whittaker, Chairperson of the Springfield Township Zoning Commission, called the meeting to order at 6:02 pm and asked for the Roll Call.

Present For Roll Call: Mr. Lee Whittaker, Mrs. Linda Moore, Mr. Charles Morris, Mrs. Judy Sheridan,
And Mr. Mike Thompson

Absent For Roll Call: Mr. Corey Burk

Also in Attendance: Mr. Allan Neimayer and Ms. Rachel Clime from Clark County Community &
Economic Development.

Chairperson Whittaker asked for comments regarding the minutes. Hearing none, he asked for a motion to approve the minutes.

Approval of the March 17, 2021 minutes

Motion by Mr. Thompson, seconded by Mr. Morris, to **Approve** the minutes

VOTE: Yes: Mr. Thompson, Mr. Morris, Mr. Whittaker, and Mrs. Sheridan

No: none

Motion carried.

Chairperson Whittaker asked if there were any members needing to abstain from the meeting. There were none. Chairperson Whittaker asked for a motion to **Untable**

Untable Case #S-2021-02~ Property Owner/ Applicant: Kelly Rodriguez ~ Location: adjacent to 4840 South Charleston Pike; Springfield Twp.~ Amended Request: Split off and rezone 1.0 acre from A to B-2 (Community Business District) for a mercantile store

Motion by Mr. Morris, seconded by Mrs. Sheridan, to **untable**

VOTE: Yes: Mr. Morris, Mrs. Sheridan, Mr. Whittaker, Mrs. Moore and Mr. Thompson

No: none

Mr. Allan Neimayer, Senior Planner stated that the subject property is located at 0 South Charleston Pike and consist of 19.67 acres. The subject property has mixed zoning. A, R-1 and B-3. The Applicant would like to convert an existing barn for a mercantile store. The barn is located on the "A" zoned portion of the property.

Staff recommends the Applicant's request to split off and rezone a 1.0 ± acre site from the parent parcel from A to B-2 be approved as presented subject to the following:

1. The lot split complies with applicable zoning setback requirements.
2. Applicant receives necessary approvals for the provisions of water and wastewater treatment.
3. Applicant receives necessary approval from ODOT.

4. Applicants' works with the County Engineer's Office regarding storm water management.

Chairperson Whittaker asked if anyone had any questions for the staff.

Chairperson Whittaker asked if the items on the updated recommendation on page 2 of the staff report still need to be done. Mr. Neimayer stated, yes.

Chairperson Whittaker clarified if staff recommends if the applicant does those items. Mr. Neimayer stated yes.

Mr. Thompson asked about the B-3 property and an existing dwelling. Mr. Neimayer clarified the 2 homes will remain zoned A and R-1, only the new 1.6 will be rezoned to B-2.

Mr. Morris asked about only a portion of the building being used. He asked what the remaining is being used for. Mr. Neimayer stated agricultural. He clarified Health Department and Building Department requirements would have to be met.

Hearing no further questions for Staff, Chairperson Whittaker opened this portion of the public hearing at 6:18 pm. and asked if anyone would like to speak in favor of the rezoning case.

Kelly Rodriguez, 4850 South Charleston Pike, was sworn in. She stated ODOT was coming out to help with the permit process. She stated that widening by 20 ft. was preferred instead of the second access, she stated she was adding extra parking for a total of 6. She stated multi-use and she understands the need to separate uses.

Mrs. Moore asked about water and restrooms. Ms. Rodriguez answered yes.

David McCarty, 4850 South Charleston Pike, was sworn in. He stated that he bought the property in 1987 and did all the prior work. There is Equipment and farm animals in barn. I have no objections. Just bought the home in-between the B-3 property. He stated there is a pond for drainage. He stated he fought water on the property for years.

Chairperson Whittaker asked if anyone wished to speak in favor of this case. He then asked if anyone wished to speak in opposition of the request. There were none.

Hearing nothing further comments, Chairperson Whittaker closed the public hearing at 6:24 pm

Hearing no further questions or comments from the Board, Chairperson Whittaker asked for a motion.

Action on Case #S-2021-02~ Property Owner/ Applicant: Kelly Rodriguez ~ Location: adjacent to 4840 South Charleston Pike; Springfield Twp.~ Amended Request: Split off and rezone 1.0 acre from A to B-2 (Community Business District) for a mercantile store

Motion by Mr. Thompson, seconded by Mrs. Moore to approve as presented subject to the staff conditions

VOTE: Yes: Mr. Thompson, Mrs. Moore, Mr. Morris, and Mrs. Sheridan

No none

Motion carried.

Chairperson Whittaker asked staff to present the next case

Case #S-2021-03 ~ Property Owner/ Applicant: Tony Smith ~ Location: 401 & 433 Highview Ave.; and 0 Cleve Ave. PIDs 300-07-00032-401-012, 300-07-00032-400-027 and 300-07-00032-400-016 ~ Request: a) to split off the existing single-family homes at 401 & 433 Highview Ave., and rezone to R-4; and b) combine all remaining property and rezone to I-3S for existing land uses of building material storage, and contractor storage and equipment yard

Mr. Neimayer stated that the subject property consists of three parcels: 401 Highview Ave., 4.15 acres; 433 Highview Ave., 3.87 acres; and 0 Cleve Ave. (PID #300-07-00032-401-012), 2.86 acres – total of 10.88 acres. The Applicant would like to split off the two existing house sites at 401 & 433 Highview Ave. into approximately 15,000 sq. ft. lots with 100 sq. ft. frontage and rezone both to R-4 (Single-Family Residential District). The remaining property of those two parcels would be combined with the Applicant's Cleve Ave. property, PID #300-07-00032-401-012, for approximately 9.14 acres and rezoned to I-3S (Heavy Industrial District Specific Use) for existing land use of building material storage, and contractor storage and equipment yard, which would bring this 9+ acres into proper zoning for the current use of that land.

Parcel Number 300-07-00032-401-012, 0 Cleve Avenue, owned by the Applicant, was given legal non-conforming (grandfathered) status for roll off business per notes from Jeff Briner, former Township Zoning Inspector, based on an application for a Variance for the building on the property, Case #11593, 2008.

The Applicant put in a new driveway from his 401 Highview Ave. residential property to the rear of the business on Cleve Avenue in 2020. A complaint was filed regarding the driveway and the commercial use of the property. During investigation, records revealed the original parcel #300-07-00032-400-025 was 1.67 acres. In May of 2009, an additional 1.19 acres, parcel #300-07-00032-400-020, was purchased and combined with the 1.67 acres to create the current parcel #300-07-00032-401-012.

According to maps on the Auditor's website, the business appears to have expanded onto the abutting property. In January of 2013, a portion of parcel #300-07-00032-400-018 (2.05 acres), was split creating parcel #300-07-00032-400-026 and then combined with parcel #300-07-00032-400-019 to create the 433 Highview Ave. residential property of 3.87 acres, parcel #300-07-00032-400-027. In September of 2010, the Applicant acquired the 401 Highview Ave. residential property, PID#300-07-00032-400-016.

In March of 2020, Staff received a zoning complaint that a new access (driveway) to the business was installed on 401 Highview Ave. which opened up this investigation. This complaint was also given to the Springfield Township Road Department to investigate.

Request a) Staff recommends the Applicant's request to split off the two existing home sites into a minimum 15,000 sq. ft. and 100 ft. frontage parcels and rezone both to R-4 (Single-Family Residential District) be approved as presented subject to sign off as necessary for utilities and compliance with applicable side and rear zoning setbacks.

Request b) Staff recommends the Applicant's request to combine the remaining property with 2855 Cleve Ave. and rezone to I-3S (Heavy Industrial District, Specific Use) be approved as presented allowing the following existing uses: building material storage, and contractor storage and equipment yard.

The CEDA Regional Planning Commission met on April 8, 2021 to hear this rezoning case. Following discussion, the CEDA RPC passed a motion recommending to the Springfield Township Zoning Commission that the Applicant's two rezoning requests be approved as presented and with the same conditions as specified in Staff's recommendations.

Mrs. Moore asked if water is accessible. Mr. Neimayer explained ...

Mrs. Tuttle explained the difference if the applicant connected to water they could you ...

Mr. Morris stated it says and be installed. Mr. Neimayer stated the wording isn't clear. He stated the intent vs. language.

No questions or inquiries from neighbors.

Chairperson Whittaker Opened the hearing at 6:39 pm

Chairperson Whittaker asked if anyone wished to speak in favor of this case.

Tony Smith, 633 Highview Ave, was sworn in. Mr. Smith stated he didn't follow all of the presentation. Mr. Neimayer explained the water and sewer lines for 401 and 433 Highview. He explained the frontage differences and the table of requirements. Mr. Smith explained Mrs. Tuttle explained the difference.

Mr. Smith explained he put the road in to help the traffic off of Cleve. Mr. Smith explained it was a junkyard and he cleaned it up.

Mr. Thompson stated he drove back and noticed some concrete on the property. Mr. Smith explained it was from bridges. Mr. Thompson asked if it would be crushing. Mr. Smith stated he separated it, but not crushed it. He stated he has a tire license with health department. He stated it was temporary storage.

Mr. Thompson asked if he was going off Highview to alieve traffic on Cleve. Mr. Smith stated he didn't know he was doing anything wrong.

He then asked if anyone wished to speak in opposition of the request. There were none.

Hearing nothing further comments, Chairperson Whittaker closed the public hearing at 6: 48 pm

Hearing no further questions or comments from the Board, Chairperson Whittaker asked for a motion.

Action on Case #S-2021-03 ~ Property Owner/ Applicant: Tony Smith ~ Location: 401 & 433 Highview Ave.; and 0 Cleve Ave. PIDs 300-07-00032-401-012, 300-07-00032-400-027 and 300-07-00032-400-016 ~ Request: a) to split off the existing single-family homes at 401 & 433 Highview Ave., and rezone to R-4; and b) combine all remaining property and rezone to I-3S for existing land uses of building material storage, and contractor storage and equipment yard

Motion by Mrs. Moore, seconded by Mr. Morris to **approve** as presented

VOTE: Yes: Mrs. Moore, Mr. Morris, Mrs. Sheridan, and Mr. Thompson

No: none

Staff Comments

Next Scheduled meetings: May 19, 2021

Rezoning for fire house.

Adjournment

Motion by Mr. Thompson, seconded by Mrs. Sheridan to **adjourn**

VOTE: Motion carried unanimously.

The meeting was adjourned at 6:53 pm.

Mr. Lee Whittaker, Chairperson

Exhibit B

5/25/2021 Rezoning Hearing

SPRINGFIELD TOWNSHIP, CLARK COUNTY, OHIO

Staff Report: April 22, 2021
Case Number: S-2021-03

Springfield Township Board of Trustees
Meeting Date: May 25, 2021

Property Owner	Applicant	Subject Property Address
Tony Smith	Tony Smith	401 & 433 Highview Ave. and 0 Cleve Ave.

Summary of Request:

- a) split off the existing single-family home sites at 401 & 433 Highview Ave. and rezone to R-4, and
- b) combine all remaining property with the Applicant's abutting Cleve Ave. property and rezone to I-3S for the existing land uses of building material storage, contractor storage and equipment yard.

Existing Zoning	Existing Land Use	Surrounding Zoning and Land Use	Size of Subject Property
A & R-4	SF residential industrial	North & East, R-4; SF residential West, A; SF residential South, City CC2A & Twp A; undeveloped	4.15 ac. (401 Highview Ave.) 3.87 ac. (433 Highview Ave.) 2.86 ac. (0) Cleve Ave.)

Description of Subject Property and Request

The subject property consists of three parcels: 401 Highview Ave., 4.15 acres; 433 Highview Ave., 3.87 acres; and 0 Cleve Ave. (PID #300-07-00032-401-012), 2.86 acres – total of 10.88 acres. The Applicant would like to split off the two existing house sites at 401 & 433 Highview Ave. and rezone both to R-4 (Single-Family Residential District). The remaining property of those two parcels would be combined with the Applicant's abutting Cleve Ave. property, PID #300-07-00032-401-012, for approximately 9.9± acres and rezoned to I-3S (Heavy Industrial District Specific Use) for the existing land uses of building material storage, and contractor storage and equipment yard. This I-3S rezoning would bring the 9.9± acres into proper zoning for the current use of that land.

History / Code Enforcement

Parcel Number 300-07-00032-401-012, 0 Cleve Avenue, owned by the Applicant, was given legal non-conforming (grandfathered) status for roll off business per notes from Jeff Briner, former Township Zoning Inspector, based on an application for a Variance for the building on the property, Case #11593, in 2008.

In 2020, the Applicant put in a new driveway from his 401 Highview Ave. residential property to the rear of the business on Cleve Ave. A complaint was then filed regarding the driveway and the commercial use of the property. During investigation, records revealed the original Parcel #300-07-00032-400-025 was 1.67 acres. In May of 2009, an additional 1.19 acres,

Parcel #300-07-00032-400-020, was purchased and combined with the 1.67 acres to create the current Parcel #300-07-00032-401-012.

According to maps on the Auditor's website, the business appears to have expanded onto the abutting property. In January of 2013, a portion of Parcel #300-07-00032-400-018 (2.05 acres), was split creating Parcel #300-07-00032-400-026 and then combined with Parcel #300-07-00032-400-019 to create the 433 Highview Ave. residential property of 3.87 acres, current Parcel #300-07-00032-400-027. In September of 2010, the Applicant acquired the 401 Highview Ave. residential property, current Parcel #300-07-00032-400-016.

In March of 2020, Staff received a zoning complaint that a new access (driveway) to the business was installed on 401 Highview Ave. which opened up this investigation. This complaint was also given to the Springfield Township Road Department to investigate.

Zoning Regulations

Section 401 (Agricultural District) and Section 501 (Single-Family Residential District) do not allow for a roll off / dumpster / material / contractor storage business.

Under Article 27, Existing and Non-Conforming Uses:

Section 2701 Conformance Required. Except as hereinafter specified, no land, building, structure and premises be used, and no building or part thereof, or other structures shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located.

Section 2704.05 Moving. No structure devoted in whole or in part to a non-conforming use, shall be moved to any location on the same lot or any other lot unless the entire structure and the use thereof shall thereafter conform to the regulations of the district in which will be located after being moved. Moreover, no non-conforming land use shall be relocated, in whole or in part, to any other location on the same or any other lot unless such shall thereafter conform to the regulations of the district in which it is located after being moved.

CONNECT Clark County Land Use Plan

The CONNECT Clark County Land Use Plan identifies the subject property as Traditional Neighborhood, Low Intensity: Primarily residential area featuring a mix of housing types on small lots with a single-family neighborhood appearance. These neighborhoods can include appropriately scaled nodes of small-scale retail and/or office uses.

Utilities

There are public utilities (water and sanitary sewer) along Highview Ave. County Utilities Department reported they only have active sanitary sewer accounts for the two existing residential homes.

Floodplain

There is no floodplain in the immediate area.

Staff Recommendation

Request a) Staff recommends the Applicant's request to split off the two existing home sites and rezone both to R-4 (Single-Family Residential District) be approved as presented subject to: 1) proper sign off as necessary for water and sanitary sewer utilities; and 2) the two lot splits to comply with applicable zoning requirements.

Request b) Staff recommends the Applicant's request to combine the remaining property with the Applicant's abutting Cleve Ave. property and rezone to I-3S (Heavy Industrial District, Specific Use) be approved as presented allowing the following existing uses: building material storage, contractor storage and equipment yard.

CEDA Recommendation

The CEDA Regional Planning Commission met on April 8, 2021 to hear this rezoning case. Following discussion, the CEDA RPC passed a motion recommending to the Springfield Township Zoning Commission that the Applicant's two rezoning requests be approved as presented and with the same two conditions as noted by Staff.

Zoning Commission Recommendation

The Springfield Township Zoning Commission held a public hearing on April 21, 2021 to hear this rezoning case. Following the hearing and board discussion, the Zoning Commission passed a motion recommending that the Township Trustees approve both rezoning requests a) and b) as presented with the same two conditions as noted by Staff.

401 & 433 Highview Ave., and 0 Cleve Ave.; Springfield Twp.



Proposed Rezoning



R-4: Single-Family
Residential District.

I-3S: Heavy Industrial
District, Specific Use.

Minutes

CEDA Regional Planning Commission

Regular Meeting ~ 3:00 pm.
Thursday, April 8, 2021

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Dan Kelly, Vice Chairperson of the CEDA Regional Planning Commission called the meeting to order at 3:11 pm. and asked for the Roll Call.

Present For Roll Call: Ms. Theresa Hartley, Mr. Dan Kelly, Mr. Charles Morris, and Ms. Kathryn Lewis-Campbell.

Absent For Roll Call: Mr. Dick Shaw and Mr. Mike Hanlon.

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

Approval of the May 7, 2020 Minutes

Motion by Ms. Hartley, seconded by Mr. Morris, to **Approve** the minutes as presented.

VOTE: Yes: Ms. Hartley, Mr. Morris, Mr. Kelly and Ms. Lewis-Campbell.

No: None.

Motion carried.

Vice Chairperson Kelly asked Staff to present the case.

Case #S-2021-03 ~ Property Owner/ Applicant: Tony Smith ~ Locations: 401 and 433 Highview Ave., and 2855 Cleve Ave. ~ Requests: a) to split off the existing single-family homes at 401 & 433 Highview Ave. and rezone to R-4, and b) combine all remaining property and rezone to I-3S for existing land uses of building material sales & storage, and contractor storage and equipment yard.

Mr. Allan Neimayer, Senior Planner, states that the subject property consists of three parcels: 401 Highview Ave., 4.15 acres; 433 Highview Ave., 3.87 acres; and 2855 Cleve Ave., 2.86 acres for a total of 10.88 acres. The Applicant would like to split off the two existing house sites at 401 & 433 Highview Ave. into approximately 15,000 sq. ft. lots with 100 sq. ft. frontage and rezone both to R-4 (Single-Family Residential District). The remaining property would be combined and attached to the Applicant's Cleve Ave. property.

Mr. Morris asked if the Applicant owns the two properties in-between his property. The Applicant responded he does own one property.

Vice Chairperson Kelly asked the Applicant if he has had any complaints. The Applicant responded I have no problem with anyone. The only house I do not own is Warner.

Vice Chairperson Kelly asked if all the neighbors on Cleve Ave. are ok with the proposed rezoning. The Applicant responded most are ok with it. I am trying to buy up all that I can. Vice Chairperson Kelly asked if the Applicant will be bringing semi-trucks back there. The Applicant responded I already do. Vice Chairperson Kelly then asked about lighting. The Applicant responded there will be no new lighting and if they bothered anyone I would turn it off. I do not want to bother anyone. I put the road in there because a resident on Cleve Ave. was complaining about the trucks messing up Cleve Ave. So I built the road to keep it clear.

With no further questions for the Applicant, Vice Chairperson Kelly asked for a motion.

Minutes

CEDA Regional Planning Commission

Action on Case #S-2021-03 ~ Property Owner/ Applicant: Tony Smith ~ Locations: 401 and 433 Highview Ave., and 2855 Cleve Ave. ~ Requests: a) to split off the existing single-family homes at 401 & 433 Highview Ave. and rezone to R-4, and b) combine all remaining property and rezone to I-3S for existing land uses of building material sales & storage, and contractor storage and equipment yard.

Motion by Ms. Hartley, seconded by Ms. Lewis-Campbell, to recommend **Approval** as presented.

VOTE: Yes: Ms. Hartley, Ms. Lewis-Campbell, Mr. Kelly and Mr. Morris.

No: None.

Motion carried.

Staff Comments

Mr. Neimayer stated the next scheduled meetings: May 6 and June 3, 2021.

Adjournment

Motion by Ms. Hartley, seconded by Ms. Lewis-Campbell to **Adjourn.**

VOTE: Motion carried unanimously.

The meeting was adjourned at 3:32 pm.

Mr. Dan Kelly, Vice Chairperson