Minutes for the

**Clinton County Regional Planning Commission**

**Or the Executive Committee**

August 16, 2023

Community Room, Wilmington Municipal Building, 69 N. South Street, Wilmington, OH

# ROLL CALL

Associate Vice Chair Ruth Brindle called the meeting to order at approximately 7:01 p.m. local time with the following Planning Commissioners present.

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| Dauna Armstrong | John Carman  | Damian Snyder  |  |
| Bruce Beam | Benjamin Collings | Robert Thobaben |  |
| Ryan Bowman | Jim Fife | Rick Walker |  |
| Jon Branstrator | Michelle Morrison |  |  |
| Ruth Brindle | James Myers |  |  |

The Commission attained a quorum.

A motion was made to approve the agenda by James Myers, seconded by John Carman, and a voice vote: all yeas.

**Minutes from the Previous Meeting**

Minutes of the June 20, 2023, Regular Meeting (Full Commission) and the July 14, 2023, Meeting (Executive Committee) were presented and approved by motion from Benjamin Collings seconded by Rick Walker and roll call vote: voice vote: all yeas.

**OLD BUSINESS**

Clinton County Land Bank Annual Report Presentation

The board was reminded that the Clinton County Land Bank Annual Report was presented at the June 15th meeting and that there is access to the report on the website for anyone to review.

Creation of Hourly Position, Taylor Stuckert

The board was reminded that Taylor Stuckert is currently an hourly employee to help with the transition of the Executive Director position.

New Executive Director, Connor Rigney

The new Executive Director, Connor Rigney, was introduced.

**NEW BUSINES**

Applicant #2023-30—Access Management Variance—Ralph Larry Roberts II Family Trust

Ralph Larry Roberts II Family Trust presented their request for a variance to the Access Management Regulations related to stopping site distance requirements per Access Management on W Mt. Pleasant Rd. in Liberty Township. The applicant is requesting to subdivide a 2.155-acre tract in Liberty Township and proposing to split an approximately 2.155-acre lot from the 4.359-acre parcel (190012208000000.) However, the proposed lot does not meet § 6.02(A) of the Clinton County Access Management Regulations, which requires that “the location of all access connections shall permit adequate horizontal and vertical sight distance as specified in the Ohio Department of Transportation, Location and Design manual based on the stopping sight distance for the legal speed limit at the location of the driveway.

Andrew DeMarsh read the staff report. Staff received comments from the Clinton County Engineers Office stating that there was no location on the proposed 2.155-acre tract that would meet the criteria of § 6.02(A) and granting the variance could create potential safety concerns. § 6.10 of the Regulations would allow for the creation of these lots provided that a cross access easement be provided on the survey, so that both parcels could utilize a common access point on the western side of the proposed 2.204 – acre tract that would meet the requirements of the Regulations. The Engineers Office conducted a site visit to the property where they observed that the crest hill in the road on the eastern edge of the proposed 2.155-acre tract. The Engineers Office felt that the crest hill prevents visibility of vehicles approaching from the east (US 68).

Given the Engineer’s Office comments and the strong concern for public safety, the staff feels that the applicant cannot satisfy the Unnecessary Hardship Test per the ORC and recommends denial of the variance. Staff supports the Engineer’s Office recommendation of a cross-access easement on the survey to provide a safe common access point for both proposed parcels.

Three motions were made. A motion to table the application for the RPC to “receive an updated letter from the Engineer’s Office about the safety of the driveway location after the on-site inspection.” That motion was withdrawn. Next was a motion made by Michelle Morrison and seconded by John Carman to deny the application that failed with 4 yea, 8 nay, 1 abstention. Finally, a motion was made by Benjamin Collings and seconded by Bruce Beam to approve the application that passed 8 yea, 3 nay, 1 abstention.

Applicant #2023-31—Access Management Variance — Bobby Joe Prewitt

Bobby Joe Prewitt presented his request for multiple variances to a 14.706-acre parcel in Marion Township. The applicant is proposing an access point (driveway) onto Fayetteville Rd. Section 6.04 of the Clinton County Access Management Regulations requires that “no new driveway upgrades shall be permitted along a roadway from parcels or contiguously owned parcels where access is available or can be made available from a lower classification road or street.” Due to the parcel having frontage along Fairground Road (ADT=353), Fayetteville Road (ADT=887) is considered to be a higher classification roadway. Due to Fayetteville Road being classified as a “Major Local” road in the Regulations, the driveway spacing requirements detailed in § 6.13 of the Regulations (300’ between drives and/ or intersections) would also prohibit the creation of a new driveway on this portion of the roadway. For the applicant to create a new drive on Fayetteville Rd., a variance to both § 6.04 and § 6.13 are required.

Andrew DeMarsh read the staff report. Staff received comments from the Clinton County Engineers Office stating that they did not support the variance. Granting this variance would result in the addition of another driveway, resulting in three drives within a 275’ stretch – more than twice the density allowed by the Regulations, which is particularly dangerous on Fayetteville Road. The Engineer’s Office noted that Prewitt’s have already applied for and received one variance at this location in May of 2016. This was a variance to § 6.13 of the Regulations (300’ between drives and/ or intersections.) While the Regulations require 300’ between drives, the 2016 variance resulted in two drives within 100’ of each other.

Given the Engineer’s Office comments and the strong concern for public safety, the staff feels that the applicant cannot satisfy the Unnecessary Hardship Test per the ORC and recommends denial of the variance. Staff supports the Engineer’s Office recommendation of providing the access point (driveway) on Fairground Rd.

A motion to table this access management variance and send it back to the Engineer’s Office to evaluate and come back to the September meeting was made by Jim Fife, seconded by Damian Snyder, and a roll call vote: 13 yea, 0 nay, 0 abstention.

Applicant #2023-32— Final Plat Major Subdivision—G&L Development, LLC

G + L Development LLC presented their request for approval of construction plans for Phase Two of the development at Todd’s Fork Estates, with the addition of 15 lots on June 21, 2022. This request followed previous CCPRC approval of Phase Two Preliminary Plans on June 15, 2021. Staff had previously received comments from the

Clinton County Building and Zoning Department stating that the proposal is in compliance with the Clinton County

Zoning Resolution, but following further examination, it was determined that the developer-designated setbacks

for lot numbers 42, 46, and 47 do not meet Clinton County Zoning Resolution requirements. The Clinton County

Zoning Resolution permits the minimum lot width measurement to be met at the building setback, which for the

R-R district is seventy (70) feet - see CCZR § 3.19(C)(2) and (3). The building setback line is defined in CCZR § 11.03

as “The line established by the minimum required setbacks forming the area within a lot in which a building may

be located, unless otherwise provided for by this Resolution.” As stated previously, the “minimum required

setbacks” for the R-R District is seventy (70) feet. These lots are also on a cul de sac or curved portion of the right of-

way, which means they are affected by CCZR § 3.27(F) which states, “In all districts, minimum lot widths are

required along the street right-of-way upon which the lot fronts. Where curvilinear street patterns or cul-de-sacs

result in irregularly shaped lots with non-parallel side lot lines the minimum lot width must be met at the building.

setback line as measured along the lines and arcs of the setback line”. To allow for the developer-designated setback, variances to CCZR § 3.19(C) and 3.27(F) must first be approved by the Commission prior to Final Plat approval. Comments were requested for this variance. The Clinton County Prosecuting Attorney supports the approval of the variances, as it would adequately address the matter of determining the lot widths in question without causing any undue delay or costs to the applicant while also upholding the standards set forth in the Clinton County Zoning Resolution. Likewise, they recommend approval of the final plat subject to the conditions as noted by other county agencies.

Andrew DeMarsh read the staff report. Staff received comments from the Clinton County Engineer’s Office stating that there is still some minor labelling, detailing, and easement details on the proposed plat that are incorrect, missing or unclear and that they would continue to work with the Surveyor to ensure that the information is shown correctly on the plat. The Map Office will also be providing detailed comments directly to the Surveyor due to several locations on the plat requiring proposed monumentation that is not yet shown. The Developer will also be required to provide the Board of County Commissioners with an Irrevocable Letter of Credit to guarantee the completion of the improvements prior to our signing of the plat and pay all fees associated with the Engineer’s Office review and inspection of the development.

Given the review of the application, plans, and agency comments, the staff recommends that the Commission approve the Final Plat of the Major Subdivision contingent on the approval of the variances to § 3.19(C) and 3.27(F) of the Clinton County Zoning Regulation and the satisfaction of the comments from the Clinton County Engineer’s Office.

A motion to approve the variance as written by the Prosecutor’s Office was made by Jim Fife, seconded by Benjamin Collings, and a roll call vote: 11 yea, 1 nay, 1 abstention.

A motion to approve final plat contingent upon corrections being made on the plat was made by Jim Fife, seconded by Ryan Bowman, and a roll call vote: 11 yea, 1 nay, 1 abstention.

Applicant #2023-33—Site Plan Review—Keith Pruett

R+L Carriers presented a Site Plan Review proposing the addition of a new 17,650 square foot building to house a Disaster Recovery Data Center at the R+L Corporate Campus and Terminal. The provided building elevations indicate that the building's design will align with the appearance of the current office buildings present on the site.

Andrew DeMarsh read the staff report. Staff received comments from the Clinton County Engineer’s Office stating that the plans demonstrate compliance with the Clinton County Water Management and Sediment Control Regulations.

The staff of the Commission recommends the Site Plan be approved as proposed.

A motion to approve the Final Site Plan Review was made by John Carman, seconded by Benjamin Collings, and a roll call vote: 12 yea, 0 nay, 1 abstention.

**FINANCIAL REPORT AND BILLS**

Drew DeMarsh presented the financial report and one bill for mileage reimbursement for approval.

A motion to approve the financial report and bill was made by Benjamin Collings, seconded by Rick Walker and a voice vote: all yeas.

**RPC STAFF UPDATE**

Drew DeMarsh updated the board on the need to fill a vacancy on the Regional Planning Commission Board at the September meeting.

With no further business to conduct, the Commission adjourned by motion from Benjamin Collings at approx. 9:10 pm.

Respectfully submitted and approved this \_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_ 2023.

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| Dwayne Dearth, Chairman |  |
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| Robert Thobaben, Secretary |  |
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| Andrew DeMarsh, Associate Planner |  |