

**Case Number:** 18-BZA-001

**Type of Appeal:** Conditional Use Permit Request

**Applicant:** James Kendrick (owner) and Tim Huffmann

**Staff Report:** Completed by Jeff Palmer Director of Planning & Zoning

**Report Date:** January 23, 2018

**Hearing Date:** February 13, 2018

**Current Zoning of Properties:** Open Space Rural Residence Zone "OSR-1" & Residence Zone "R-1"

**Description of Property:**

The first property is located on Pekin Road, in Section in Section 4, Town 3 and Range 4. The property is a total of 24.758 acres. The property is identified by parcel number 08-04-300-013 and account number 0401049. The property is zoned Open Space Rural Residence "OSR-1". The second property is located on Pekin Road, in Section in Section 4, Town 3 and Range 4. The property is a total of 1 acre. The property is identified by parcel number 08-04-300-004 and account number 0402592. The property is zoned Residence "R-1". (See Exhibits: 1A-F, 2A-F)

**Nature of the Request:**

The applicant states the purpose of the application: "Building an event barn and gazebo on the property. \*weddings and receptions \*team building/meetings for businesses \*strawberries, sunflowers and trees \*site for locals family/H.S. Senior pictures \* family/class reunions \*big brothers/sisters, boy and girl scouts, veterans use at little/no charge \*holiday events."

Applicant has provided a site plan. (See Exhibit 3)

**Synopsis of Pekin Rd. Event Barn**

"The event barn on Pekin Rd using parcels 0804300004 (1 acre and 0804300013 (24 acres) has been carefully planned. We are using Tecumseh Builders with decades of experience and have consulted the multiple departments outlined in the Conditional Use Permit Request as well as caterers, event planners, insurance agents, bankers and other event center owners to name a few. An identification of items is listed below to assist with the permit request process.

- a) Sediment and erosion control from the Soil and Water Conservation District Molly Conley (See Exhibit 4)
- b) Soil and site evaluation for sewage with letter from Dan Michael about septic systems (See Exhibits 5A-E)
- c) Email from J. Byrd about the water supply to the hydrants in the area (water and Sewer Dept.) (See Exhibit 6)
- d) Warren County off street parking guide (See Exhibit 7)
- e) Wedding statistics indicating average attendance (See Exhibit 8)
- f) Two different proposed parking areas one with 1018 less sq feet (See Exhibits 9A-B)
- g) ADA required number of accessible parking guide (See Exhibit 10)

- h) Email from Kurt Weber Chief Deputy Engineer about width of culvert access and drive (See Exhibit 11)
- i) Lt. Larry Carman Clearcreek F. D. appendix D specs (See Exhibit 12)
- j) Email 2 pages communication with Sergeant Stacy of Clearcreek P.D. (See Exhibits 13A-B)
- k) Views depicting properties within 500' of proposed building property (See Exhibits 14A-C)

For your additional information the building will have a sprinkler system, radiant floor heat, proposed geothermal heat and air as well as fire, smoke and theft detection/notification systems. The kitchen is a warming station only and no cooking of food will take place – 100% catered. There will be no alcohol served by us. The event hosts will have to provide their own alcohol and legitimate bartenders assuming serving responsibility. This all will help to decrease regulatory issues and assist with safety.

Our footprint goal is to stay as green as possible and decrease the amount of disturbed area and use energy saving geothermal HVAC. Our proposed disturbed area is 33,892 sq. ft. or 32,874 sq. ft. with some angled parking. An acre is equal to 43,560 sq. ft.

Our usage vision is for 70% weekends and 1 day a week Monday-Thursday. An owner or representative will be nearby at all times of use and on site for a significant portion of all events. Events will be encouraged to begin and end earlier rather than later.

Jim is planning on using some profits to reinvest in the 511 Pekin Rd. Kendrick property to improve aesthetics and property value.

We would like to do most or all of the plan at one time. Depending on cost and approval we may wish to wait until the spring of 2019 to finish the drive and parking area with blacktop (a base of rock, gravel and chip to weight capacity standards initially). Some additional planting of trees, strawberries and sunflowers will be in the spring of 2019. In 2020 we would like to add a dock and waterfall landscape effect to the pond.

Sincerely,  
Tim Huffman and Jim Kendrick” (See Exhibit: 15)

### **Background on the Nature of the Request:**

The request is to establish a Farm Based Tourism use on the property. Farm Based Tourism is identified as a conditional use per Sections 5.524 (G) and 5.7524 (G) and guided by Section 21.01 (F) of the Clearcreek Township Zoning Resolution.

On September 11, 2017 the Clearcreek Township Trustees approved Trustee Resolution 5050, which refined standards for Agritourism and established standards for Farm Based Tourism. Agritourism is in line with the Ohio Revised Code definition and requires a site plan review. Farm Based Tourism functions like the previous Agritourism regulation and requires a Conditional Use Permit because the uses occur on a farm but are not necessarily connected with the daily workings of agriculture.

**SEC. 3.027 Agriculture:** The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and accessory uses such as packing, treating, storing or selling produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

**SEC. 3.028 Agritourism:** Agriculturally related educational, entertainment, historical, cultural or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in or enjoy that activity. Activities shall be connected with agricultural production and/or processing.

**SEC. 3.3101 Farm:** A parcel of five or more contiguous acres that is used for the production of agricultural products, including related structures thereon. The parcel shall be enrolled in the current agricultural use value (CAUV) system through the Warren County Auditor's Office.

**SEC. 3.3102 Farm Based Tourism:** Activities conducted on a farm and offered to the public or to invited groups for the purpose of recreation, entertainment, hospitality, or unable to be classified as agritourism. The activities shall co-exist with the operation of the farm and may include the following:

1. Recreation: (fishing, wildlife study, horseback riding, sleigh/carriage/wagon rides, stargazing, hiking, community gardens).
2. Entertainment: (concerts, barn dances, haunted house, haunted hayride, miniature golf, toddler rides, play ground areas, scavenger hunts, craft fair, antique shows, art shows).
3. Hospitality services: (bed & breakfast, retreat center, assembly area, country weddings, party receptions, picnic, campfires, family reunions, catering, country store, gift shop, fair food, camping).
4. Other uses as determined appropriate by the board of zoning appeals.

**Review of Application:**

***Completeness of the Site Plan and Project Narrative***

The site plan shall show on one or more sheets:

- (a) **a metes and bounds drawing of the area for the proposed conditional uses;** This has been provided. The area north of the tree line and east of the drainage swale is approximately 8.8 acres, appears to be the maximum size in which access, parking, structures and assembly areas are proposed to be located. (See Exhibits: 3, 16, 17)

**(b) topography of the area with intervals of not more than five(5) feet of elevation;**

This has been provided at a two foot interval. The area north tree line and east of the drainage swale has an elevation of 926' at Pekin Rd and rises to 948' at the eastern tree line. (See Exhibit: 17)

**(c) existing water courses, all flood prone areas using the one hundred (100) year flood plain as a standard along with proposed surface water drainage plans;**

Staff has provided this information. The property is outside of the 100 year flood plain. A Zone X area designated for the properties. (See Exhibit: 18)

**(d) all existing and proposed roads and driveways in the proposed conditional use area and within 200 feet of the boundaries;**

This has been provided. Two driveways are located east of the account 0402592. One driveway is located north of the account 0402592. One driveway is located west of account 0401049. (See Exhibits: 1A, 2A)

Account 0401049 has a preexisting farm driveway. Based upon the site plan, this driveway is planned to be used at the ROW, but diverted west of the pond to access the proposed event barn. One existing driveway is located east and within 120' of the proposed upgraded driveway. (See Exhibits: 1A, 3, 16, 17)

**(e) all required parking and loading area pursuant to Chapter 16 of the Clearcreek Township Zoning Resolution;**

This has been provided. The site plan identifies a 145'x 130' parking square with a 55'x40' area and a 15'x30' area. The former comprises 21,500 square feet or .49 acres. The proposed driveway scales to be 10' wide. The applicant's text identifies the width of the driveway to be 20'. (See Exhibits: 3, 47)

In Clearcreek Township, there are a couple of ways to determine the minimum number of parking spaces. The first is by building size(s), the second is by number of participants.

Per 16.02 of the Clearcreek Township zoning resolution: A dance hall, assembly or exhibition hall without fixed seats requires a minimum of one parking space for each 100 square feet floor area used.

Based upon the former, the structures calculate to 6,256 sq. ft., divided by 100 equals 62.56 spaces or 63 spaces. A parking space is 180 square feet. So a minimum of 11,340 square feet or .26 acres is needed for just for the parking spaces. Additional acreage is needed for traffic lanes.

Per 16.02 of the Clearcreek Township zoning resolution: Farm Based Tourism Total number of participants to the event divided by four (4) will determine the minimum number of temporary agricultural parking spaces .

Based upon the text, the applicant specifies a maximum of 230 guests for the event barn. Based upon the former, 230 participants divided by 4 equals 57.5 spaces or 58 spaces. (See Exhibits: 7, L below)

The applicant has not outlined how the outside areas will be used for assembly with the exception of the identified strawberry and sunflower fields. Therefore staff is unable to calculate the maximum number of participants that would be on site for team building/meetings for businesses, locals family/H.S. Senior pictures, family/class reunions, big brothers/sisters, boy and girl scouts, veterans use at little/no charge and holiday events. (See Exhibit: 3, 47)

On the site plan the parking area is represented as a dimensioned area. The applicant has provided two parking lot options that they are still finalizing. (See Exhibits: 3, 9A-B, 47)

**SEC. 3.58 Parking Space, Permanent:** A surfaced area of not less than one hundred eighty (180) square feet, either within a structure or in the open, exclusive of driveways and access drives, reserved for the parking of a motor vehicle.

- (f) **the shape, size and floor area of all existing structures;**  
No structures currently exist on the properties. (See Exhibits: 1A-B, 2A-B, 3)
- (g) **front, rear and side elevations of each proposed structure or for proposals consisting of multiple similar structures, typical elevations with sufficient detail to establish the concept presented:**  
This has been provided. Per the site plan: The event barn is identified to be 72'x64' with a 12'x72' covered porch and a 16'x24' covered porch. The overall footprint for the barn is 5,856 sq. ft. A 20'x20' or 400 sq. ft. gazebo has also been proposed. (See Exhibits: 19A-D, 20, 21)
- (h) **existing vegetation and tree coverage along with the location, dimensions and other relevant data for all proposed landscaping, fences, walls or similar structures;**  
The site plan identifies the location of proposed 4' evergreen trees. The existing tree line has not been called out for size or species. (See Exhibits: 3, 47)
- (i) **any additional information that may be deemed necessary for a complete review of the proposed conditional use.**  
The applicant represents that events will end no later than 11 PM. In the synopsis and email to Sargent Stacy the applicant states expecting 70% rented on the weekend and 10% early/mid week rented expectation. (See Exhibits 13A-B, 15)

Based upon the former, the site would be available 7 days a week 365 days a year.

***Completeness of the Standards for Conditional Use Permits Items:***

**A. The proposed use shall mitigate the impact of noise generated by the use:**

Applicant states: “We are proposing that all events end no later than 11 pm (some other sites researched maintain events up to midnight). The event barn will be centrally located on the property and well insulated. If the event is a wedding the usual 15 to 25 minute civil ceremony will either be inside the barn or at the gazebo usually during traditional hours of 3:30 to 7:30. The noise from this gazebo event should be reserved to within earshot of the guests gathered not the surrounding neighborhood.” (See Exhibits 13A-B, 15)

Other issues to consider:

- Staff is unable to determine if loud speakers are planned to be used for announcements, ceremonies or music.
- Outdoor assembly areas other than the gazebo and strawberry and sunflower fields have not been identified on the site plan. (See Exhibits: 3, 47)

**B. The proposed use shall mitigate the impact of light pollution generated by the use:**

Applicant states: “Lighting during non-use will be limited and low intensity. Lighting during use will be sufficient only to enable people to safely locate their vehicles and enable safe transportation on/off the property.”

Other issues to consider:

- Parking lot lighting has not been specified on the site plan. (See Exhibits: 3, 47)
- Exterior lighting of the event barn and gazebo have not been specified on the provided drawings. (See Exhibits: 19A-D, 21)
- Lighting fixture specifications have not been submitted.

**C. The proposed building materials shall be compatible to the existing structures on the property and blend into the context of the neighborhood:**

Applicant states: “Building materials will be hemlock, wood, faux stone and steel to give the appearance of an upscale barn.”

Other issues to consider:

- The event barn drawings depict the location of the building materials. (See Exhibits: 19A-D)
- The gazebo (shelter) drawing depicts the location of the building materials. (See Exhibit: 21)
- According to the Warren County Auditor’s Website, in the five hundred foot notice area:
  - There are 24 properties:

- Nine (9) properties are at least 1 acre, but less than 2 acres. (See Exhibits: 22A, 23A, 24A, 31A, 32A, 33A, 34A, 35A, 37A)
- Two (2) properties are at least 2 acres, but less than 5 acres. (See Exhibits: 42A, 45A)
- Eight (8) properties are at least 5 acres, but less than 10 acres. (See Exhibits: 29A, 30A, 36A, 38A, 39A, 41A, 43A, 44A)
- Two (2) properties are at least 10 acres, but less than 25 acres. (See Exhibits: 25A, 26A)
- Three (3) properties are at least 25 acres, but less than 50 acres. (See Exhibits: 27A, 28A, 40A)
- There are eighteen (18) single family homes:
  - The smallest house is 832 sq. ft. (See Exhibit: 22A)
  - The largest house is 5,179 sq. ft. (See Exhibit: 39A)
  - The average house size is 2,399.61 sq. ft. (43,193/18)
- Fifteen (15) properties have outbuildings:
  - The smallest outbuilding is 192 sq. ft. (See Exhibit: 28C)
  - The largest outbuilding is 9,100 sq. ft. (See Exhibits: 30C)
  - The average outbuilding size is 2,038.29 sq. ft. (57,072/28)
  - There are a total of twenty-eight (28) outbuildings (some properties have more than one outbuilding made out of a specific material):
    - One (1) is identified as brick. (See Exhibit: 41C)
    - Eighteen (18) are identified as metal. (See Exhibits: 22C, 25C, 28C, 29C, 30C, 31C, 33C, 35C, 36C, 39C, 40C, 45C)
    - Nine (9) are identified as wood. (See Exhibits: 22C, 28C, 38C, 40C, 41C, 43C)

**D. The proposed uses shall be physically suitable for the parcel on which it is proposed:**

Applicant states: “The use will be to hold events for the public and local organizations. We expect to grow strawberries and sunflowers on the property. The rear acreage will be converted from crop fields to a natural field, tree and wildlife area.”

Other issues to consider:

- The combined acreage for these properties is 25.758 acres in size. Staff calculates the area north of the tree line and east of the drainage swale to be approximately 8.8 acres. This area appears to be the maximum size in which access, parking, structures and assembly areas are proposed to be located. (See Exhibits: 3, 16, 47)
- Staff calculates the Farm Based Tourism area to be approximately 2.93 percent of the site (25.758/8.8).

- Zoning will require the two properties be combined into a single parcel so that the designation of farm and CAUV is dependent on a single parcel.
- The applicant states in the application that the crop fields are proposed to change in use. The property must meet the expectations of the Warren County Auditor's requirements for the Current Agricultural Use Value (CAUV) program in order to meet Clearcreek Township Zoning Resolution definition of a Farm and Farm Based Tourism, see Sections 3.3101 and 3.3102. If the property fails to qualify for CAUV, it will become a zoning violation.
- Applicant has provided an email updating the information regarding the growing of crops on the properties. (See Exhibit: 49)
- See staff photos Exhibits: 46A-BB.

**E. The proposed use shall be of a size and/or number of structures that may be completed in a reasonable time:**

Applicant states: "The event barn and gazebo are expected to be completed within 6 month of start which will hopefully be March with an August finish." In the synopsis, the applicant states" 2019 Finish Driveway, 2019 Strawberries and Sunflowers, 2020 Dock and Waterfall for Pond" (See Exhibit 15)

Other issues to consider:

- Per Section 21.01 (F)(9): Conditional uses expire after twelve (12) months from the date of approval if the project is not substantially completed within such period.

**F. The proposed use shall locate structures in an area that limits the impact to adjoining properties:**

Applicant states: "The proposed location is in the middle of the property with respect to East and West. It will be well off the street behind the pond and the rear of the building will back up near the current crop field area."

Other issues to consider:

- See D above.
- Location of parking lot:
  - See site plan information: e & g above. (See Exhibits: 1A, 2A, 3, 16, 17, 47)
  - Eastern setback to property line varies from approximately 85' to 115'. (See Exhibit: 47)
  - Northern setback to property line is approximately 160'. (See Exhibit: 47)
  - Western setback to property line is approximately 588'. (See Exhibit: 47)
  - Southern setback to property line is approximately 750'. (See Exhibits: 17, 47)
- Location of Event Barn:
  - See site plan information: g above. (See Exhibits: 3, 47)



- Eastern setback to property line is approximately 260'. (See Exhibit: 47)
- Northern setback to road right-of-way is approximately 460'. (See Exhibit: 47)
- Western setback to property line is approximately 500'. (See Exhibit: 47)
- Southern setback to property line is approximately 770'. (See Exhibits: 17, 47)
- Location of Gazebo and Setup Area:
  - See site plan information: g above. (See Exhibits: 3, 47)
  - Eastern setback to property line is approximately 450'. (See Exhibit: 47)
  - Northern setback to road right-of-way is approximately 250'. (See Exhibit: 47)
  - Western setback to property line is approximately 350'. (See Exhibit: 47)
  - Southern setback to property line is approximately 1000'. (See Exhibit: 17, 47)
- Location of Strawberry and Sunflower Fields:
  - Area is approximately 100' by 300' or 30,000 sq. ft. or .68 acres.
  - Eastern setback to property line is approximately 570'. (See Exhibits: 3, 47)
  - Northern setback to road right-of-way is approximately 150'. (See Exhibits: 3, 47)
  - Western setback to property line is approximately 140'. (See Exhibit: 47)
  - Southern setback to property line is approximately 860'. (See Exhibit: 17, 47)
- Within 100' of the properties there are four (4) homes, and three (3) outbuildings. (See Exhibits: 3, 23A-B, 35A-C, 41A-C, 47)

**G. The proposed use shall locate outdoor gathering places in an area that limits the impact to adjoining properties:**

Applicant states: "Outdoor gathering places will be around the barn and occasionally the pond/gazebo area. See the map depiction for an aerial view."

Other issues to consider:

- See D & F above. (See Exhibits: 3, 17, 47)

**H. Buffer space, plantings and mounding shall be used on the periphery of the proposed use or property to maximize compatibility with adjoining properties:**

Applicant states: "Planting of pines and other trees are planned on the periphery and interior for beautification and noise buffering."

Other issues to consider:

- See site plan information: h above. (See Exhibits: 3, 17)
- See staff photos Exhibits: 46A-BB
- The buffer calculations are based upon the two properties being combined into a single parcel.
- A streetscape buffer is required per Section 17.06 Streetscape Interaction Table.
  - Section 17.06 Option 1F: requires 6 trees per every one hundred feet of frontage and a 4 foot earth mound.
  - Section 17.06 Option 1F: Non-Residential streetscape buffer per every one hundred (100) feet of road frontage, when the building setback is equal to or greater than one hundred and fifty (150) feet from the edge of the right-of-way. In addition to vegetation a continuous earth form that is no less than four (4) feet in height as measured from the elevation of the pavement on right-of-way shall be required. Earth forms shall comply with Section 17.08 (a) (2) and shall be located outside of the clear sight triangle. A retaining wall may be used in conjunction with the earth form. Existing elevation will be used if no road improvements are required due to the use of the property. If road improvements result from the use of the property the final elevation after the improvement will be used. Required vegetation shall be located on the earth form to maximize buffer.
  - The combined road frontage for the properties is 593.78'. Thus a minimum of 36 trees are required in addition to a 4 ft. earth mound along the frontage of the properties.
    - The applicant has proposed 4 trees. (See Exhibits: 3, 17, 47)
- A perimeter buffer is not required by Section 17.06 (D), but could be imposed by the Board of Zoning Appeals to mitigate issues with the adjoining property owners.
  - Section 17.06 (D) requires 7 trees per every one hundred feet of property width, when structures are over 100' from a property line.
  - The eastern boundary of the property has a length of 380'. This would require 27 trees.
    - The applicant has proposed 11 trees. (See Exhibits: 3, 16, 47)
  - The northern boundary of the property has a length of 208'. This would require 15 trees.
    - The applicant has proposed 5 trees. (See Exhibits: 3, 16, 47)
  - The western boundary of the property has a length of 446'. This would require 31 trees.
    - The applicant has not added any vegetation to supplement the existing vegetation, but has not specified the species and size of the vegetation. (See Exhibits: 3, 16, 47)
    - See staff photos Exhibits: 46A-BB

- A parking lot buffer is required along the eastern and northern boundary of the parking lot per Section 17.06 (E) as either a continuous 3' wall or 13 evergreen shrubs per every 33' of linear parking lot width/length.
  - The eastern boundary of the parking lot has a length of 240'. This would require 95 shrubs or a 3' wall.
    - The applicant has not provided a parking lot buffer. (See Exhibits: 3, 47)
  - The southern boundary of the parking lot has a length of 250'. This would require 98 shrubs or a continuous 3' wall.
    - The applicant has not provided a parking lot buffer. (See Exhibits: 3, 47)
- See staff photos Exhibits: 46A-BB

**I. When a proposed use includes common or jointly owned space an owners association or similar organization shall be formed with the authority and responsibility to maintain and manage such common or jointly owned space in perpetuity:**

Applicant states: "There will be no common owned space that would necessitate an owners association. We would see an easement for the drive on parcel 08-04-300-004."

Other issues to consider:

- See Exhibits: 3, 47
- An easement would not be required after the properties are combined into a single property.

**J. The proposed use shall be supported by adequate public infrastructure and/or services. The proposed use shall not adversely affect public infrastructure and/or public services to the surrounding area or conditions shall be established to mitigate adverse impacts on such written comments from the following departments as applicable: Clearcreek Township Fire District, Clearcreek Township Police Department, Ohio Environmental Protection Agency, Ohio Department of Transportation, Warren County Auditor, Warren County Building Department, Warren County Engineer's Office, Warren County Health Department, Warren County Soil and Water Conservation District, Warren County Water Department:**

Applicant states: "Our goal is to blend in seamlessly with nature, neighbors and county services.

From the fire department we have their regulations in appendix D from Lt. Larry Carmen and wish to comply accordingly. (See Exhibit: 12)

From the police department we have correspondence from Sergeant Wallace Stacy of which a copy is provided. (See Exhibits: 13A-B)

The Ohio EPA concerns fall under the Warren County soil and water jurisdiction to Molly Conley the Natural Resource Engineer on Silver St. We have an email from her about what would trigger a permit from them which would be

disturbing greater than 1 acre which we should be under by about 10,000 square feet (see enclosed documentation). (See Exhibit: 4)

The Warren County Water Dept. has given us an email about water flow in the hydrants of the area which are fantastic according to Mr. Byrd. (See Exhibit: 6)

Warren County Health Department stated they would likely go along with the site plan for the septic system which after the soil sample was done by Dan Michaels (who also does site plans) we have a worst case scenario for the system in an email. Health Department will not need to regulate food since no food preparation will be done on site. (See Exhibits: 5A-E)

Ohio Dept. of Transportation stated on 1/5/18 that they only regulate state routes and Pekin would not fall under their jurisdiction.

Ned at the Ohio EPA agreed with Molly Conley about not triggering their requirements since construction was less than 1 acre. Therefore Ohio EPA concerns would fall under local departments first.

Warren Co. Auditor office stated N/A at this time and referred me to planning and Doug in planning referred me to Mr. Palmer (therefore N/A)

We have to pass zoning before we can access Warren County Building Department with plans. ”

Other issues to consider:

- Clearcreek Township Fire District: the application didn't provide a copy of the correspondence with Lt. Carman. Lt. Carman is on vacation and set to return on February 5<sup>th</sup>. I spoke with Captain Prass, which affirmed the information portrayed by the applicant. Lt. Carman also directed the applicant to make an application to the Warren County Building Department for their review. In the text, the applicant states they are planning on using the Acceptable Alternative to the 120' Hammerhead. As currently drawn, the site plan doesn't reflect the required dimensions (driveway needs to be a minimum of 20' wide and the turn around needs a minimum width of 20'). (See Exhibits: 12, 48)
- Clearcreek Township Police Department: Sargent Stacy's comments are based upon a traffic generation of an average of 35 vehicles (140 participants) not the maximum occupancy of 230 participants (58 vehicles) at the event barn. If the ingress or egress needed to occur at the same time, the Police would be willing to assist to direct traffic for a fee. Ending the events at 11 PM was thought to be a reasonable time. (See Exhibits: 13A-B, 15)
- Ohio Environmental Protection Agency: Comments were only needed if the onsite disposal system was under their jurisdiction (over 1,000 gallons per day). Based upon my phone call to Chris Balster of the Warren County Combined Health Department, a bedroom generates 120 gallons of waste water a day. Based upon the Soil Scientist's letter the system will be based upon a four (4) bedroom or 480 gallon per day system. The Potential dispersal field is the approximate location of the even barn and part of the parking lot. (See Exhibits: 5A-E)

- Ohio Department of Transportation comments are not needed because the properties don't have frontage on a State Route. (See Exhibit 3)
- Warren County Auditor: No comments. Since the applicant has represented several plans for agriculture on the properties, it seems prudent for the applicant to have a discussion with the Auditor to find out the parameters for staying in compliance with the CAUV designation. (See Exhibits: 15, 49 D above)
- Warren County Building Department: No comments at the time of the staff report. Lt. Carman directed the applicant to submit plans to the Building Department for review. (See Exhibit: 48)
- Warren County Engineer's Office: Kurt Weber affirmed that the existing farm access drive could be the location of the new modified driveway, with a 40' entrance width and 20' driveway width. Need for an access permit to verify that turn lanes would not be required. (See Exhibit: 11)
- Warren County Health Department: A study by a Certified Soil Scientist is required to determine the appropriateness of discharge on a site and the expected gallons per day by the WCCHD. The applicant has provided information from Dan Michaels. Since no food prep is to occur onsite, the WCCHD is not referencing any additional regulations. (See Exhibits: 5A-E)
- Warren County Soil and Water Conservation District: Molly Conley has outlined the requirements for compliance with the Warren County Sediment and Erosion Control Regulation when more than 1 acre or more is disturbed. (See Exhibits: 3, 4)
- Warren County Water Department: Jeff Byrd commented on the pounds of pressure the fire hydrant system has on Pekin Rd. (See Exhibit: 6)
- Ohio Department of Commerce/Division of Liquor Control: No comments. Since the applicant has represented that that "no alcohol served by us. The event hosts will have to provide their own alcohol and legitimate bartenders assuming serving responsibility" The applicant should contact Division of Liquor Control to understand the parameters for needing or not needing a permit for events with "legitimate bartenders". (See Exhibit: 15)
- A conditional use permit is not required for the continued use the property for agricultural purposes or the creation of a residential subdivision:
- Account 0402592 is an existing lot of record and could be used for a single family dwelling. (See Exhibits: 2A-E)
- Account 0401049 can be subdivided into 10 single family dwelling lots or if there is a dedication of 30% open space a total of 12 single family dwelling lots could be created. (See Exhibits: 1A-E)
- A single family dwelling generates 10.062 Average Trip Rate for a Weekday, 10.149 Average Trip Rate for a Saturday and 8.733 Average Trip Rate for a Sunday, as per the 6<sup>th</sup> Edition of the Trip Generation, from the Institute of Transportation Engineers, 1987.

- If two (2) single family homes were built on the properties then an average of 20.124 trips would be generated for a weekday, 20.298 trips on Saturday and 17.466 trips on Sunday.
- If eleven (11) single family homes were built on the properties then an average of 111.639 trips would be generated for a weekday, 111.639 trips on Saturday and 96.063 trips on Sunday.
- If thirteen (13) single family homes were built on the properties then an average of 130.806 trips would be generated for a weekday, 131.937 trips on Saturday and 113.529 trips on Sunday.

**K. The proposed use shall provide for access by public emergency equipment such as: fire, ambulance and police vehicles:**

Applicant states: “Driveway/lane access as needed for public, fire, ambulance and police vehicles will be provided in accordance with the fire code width. Kurt Weber of the WCEO engineer has emailed us and stated that a 40’ culvert entrance from Pekin with a 20’ wide drive to the barn would be appropriate with his office as well. We will have a designated fire truck parking/working area as well as a turnaround that meets with the fire department appendix D regulations.”

Other issues to consider:

- See J above.
- See Exhibits: 3, 47

**L. The proposed use shall provide for adequate pedestrian circulation, vehicle traffic movement and off-street parking:**

Applicant states: “Pedestrian circulation will be contained to the property. Off street parking will be provided. Estimated need for parking spaces according to Warren Co. (max occupancy in event barn is 230 divided by 4) is 57.5 spaces. We would provide at least 62 parking spaces with dedicated fire truck parking (see attached sheets). We will be using the alternative to 120’ hammerhead turn around described in appendix “D”. Our included diagrams are based on personal research and show that with angled/90 degree parking we can cut the square feet of the lot by over 1000 sq. feet while increasing the number of spaces. After zoning approval we will look to a parking lot designer for the exact plan to maximize green space while keeping with high standards. According to research the average wedding has 140 people which again using the Warren County formula and dividing by 4 would only be 35 cars per event which would also help mitigate traffic, neighbor, police and fire concerns.”

Other issues to consider:

- See Exhibits: 3, 7, 9A-B, 8, 10
- Clearcreek Township Zoning Resolution requires 63 off-street parking spaces.

**M. If the proposed conditional use will generate estimated off-site traffic in excess of the estimated off-site traffic generated by the most intensive by-right permitted use for the class of zone, off-site road improvements or fees for off-site road improvements shall be required to accommodate the excess traffic attributed to the proposed use of the property, based on a traffic engineering study. (Examples of off-site road improvements shall include but are not limited to: turn lanes, deceleration lanes, pavement widening and traffic control devices.):**

Applicant states: “There are three similar venues all in a row on Benner Rd. in Miamisburg with combined occupancy of 650 people per night. There has been no turn lane or extra road improvements in that area. Benner Rd. is in a more densely populated area and county than our proposed site. We have learned much from these facilities and have held or attended events at 2 of the 3. We have an email from Kurt Weber Chief Deputy Engineer at Warren County Engineers Office stating that he doesn’t perceive us needing road improvements but will hold off final decision making until the application process is complete.”

Other issues to consider:

- The Benner Rd sites are outside of Warren County
- See J above.