

MILLCREEK TOWNSHIP BOARD OF ZONING APPEALS

PUBLIC HEARING & MEETING MINUTES

DATE & TIME: Thursday, December 12, 2013 @ 7:00 p.m.

LOCATION: Millcreek Township Hall, 10420 Watkins Road, Marysville Ohio 43040

CALL TO ORDER: Meeting called to order by Chair Jason Comstock at 7:05 p.m. and opened the public hearing for a Conditional Use Permit application.

ROLL CALL: Planning/Zoning Administrator Joe Clase called the roll of members present.

Members Present: Brian Clark
Jason Comstock, Chair
Bob Whitmore
Charles Still, Alternate

Members Absent: Steve Cameron
Jeff Pieper
Jim Teitt

Others Present: Douglas D. Loudenslager, Evolution Ag, 414 Long Trail Drive, Ostrander
Terry Shank, Clouse Construction Corp, 4382 W. Township Rd. 90, New Reigel
Lenny Clouse, Clouse Construction Corp, 4382 W. Township Rd. 90 New Reigel
Robert Lyn Makeever, Makeever and Assoc., P.O. Box 1155, Bucyrus
Tony Hovest, Technicon Design Group, Inc., 1800 North Perry, Ste. 102, Ottawa
Kevin Cooperrider, Shelly Materials, Inc., 1771 Harmon Ave., Columbus
Danny Moore, Shelly Materials, Inc., 8328 Watkins Rd., Ostrander
Gary Conklin, Conklin Dairy Cattle Sales, 9011 Oak Ridge, Plain City
Bill Narducci, Union Co. Engineer's Office, 233 W. 6th St., Marysville
Lowell Wellman, 13521 State Route 42 North, Plain City
Bill Jordan, 14241 Bellepoint Rd., Marysville
Michele Kulhwein, P.O. Box 5, Ostrander
William Lowe, 20721 Springdale Rd., Marysville
Jared & Cheryl Alfrey, 13220 U.S. Hwy 42 N., Plain City
Joe Clase, Millcreek Township Planning/Zoning Administrator
Diane L. Schad, Fraley Cooper Professional Court Reporters

LEGAL NOTICE: Jason Comstock read the following legal notice as published in the Marysville Journal Tribune on 11/27/2013 and mailed to adjoining owners and those directly across the street (at least ten (10) days prior to the hearing):

The Millcreek Township Board of Zoning Appeals will hold a public hearing on Thursday, December 12, 2013 at 7:00 p.m. at the Millcreek Township Hall, 10420 Watkins Road, Marysville, Ohio 43040. The board will be considering an application for a Conditional Use Permit by TR Touchstone, on behalf of Conklin Dairy Farms Inc. to allow agricultural equipment sales and service at 13220 U.S. 42 on Parcel No. 2500130260000, zoned B-2. Various variance requests from Article XI (Signs), Article XII (Parking) & Article XIII (Landscaping) may also be considered, as depicted in the application. The public is invited to attend and comment. A copy of the application can be found online at www.millcreektwpohio.us. Other administrative business may be presented to the board for discussion and consideration following the public hearing.

PRESENTATION OF APPLICATION: Jason Comstock asked that everyone who wished to speak stand and be sworn-in. The Court Reporter, *Diane L. Schad*, swore-in those present. Jason Comstock asked that the facts of the application be presented and the following commitments and explanations were noted through a dialogue between the Board and the applicant.

- Joe Clase, Planning/Zoning Administrator, provided an overview of the materials submitted with the application for a Conditional Use Permit and presented the attached, written staff report.
- Doug Loudenslager, the applicant, stated this will be the corporate office for Evolution Ag, LLC. The retail aspects of the business include being a Case dealership, also selling Kabota, Toro, Grasshopper and other name brand agricultural equipment. He introduced Terry Shank and Lenny Clouse with Clouse Construction Corp, Robert Lyn Makeever with Makeever and Assoc. and Tony Hovest with Technicon Design Group, Inc. who assisted with development of this application and were present to address any concerns. Evolution Ag was the result of a recent merger of three (3) companies that combined over 175 years of experience.
- Tony Hovest reviewed the submitted renderings and floor plan. He stated that larger signs are requested primarily due to the high speed of traffic on U.S. 42. The proposal is construct a pre-engineered metal building. The proposed lighting plans include pole heights of 20 to 25 feet.
- Lyn Makeever stated that ODOT is considering approval of a full right-in, right-out access point on U.S. 42 at the location of the existing driveway. Full access is proposed on Jerome Road, but the County Engineer would like to see this access as far away from U.S. 42 as possible, which will likely be around 400 feet. The facility will be served by an on-site septic system that will handle less than 1,000 gallons per day, which will be permitted by the Union County Health Department. There will be a deck constructed around the inside of the pond and the setback between the high-water mark to the road right-of-way will be 75 feet. The pond will be the source of a proposed dry fire hydrant. Water flows southwest across this site then southeast along Jerome Road. This proposed development will be split from the existing parcel leaving 7.035 acre residual on this corner of the intersection. The applicant is looking to use the existing well on-site, but may need to drill a new well if it doesn't have enough capacity.
- Lenny Clouse stated that they would need light poles to be permitted greater than the 15 feet permitted in the code to allow for proper lighting of their equipment, which is closer to 20 feet in height.
- Terry Shank stated they would take about three (3) months to strip the site, three (3) months to install the foundation and buildings, and a number of months to complete their interior finishes. There would be no dirt hauled in or out of the site and they will maintain the construction site free of trash. They focus on using local contractors, where possible.
- Doug Loudenslager stated that they currently have 21 employees and will be expanding to 29 employees with the relocation to this site. Their company supports local schools through FFA programs and scholarships. They do have limited outdoor storage, with setup occurring primarily indoors and only marketable products being stored outside.

PUBLIC COMMENT: Jason Comstock inquired if anyone who was sworn-in would like to speak. The Board heard from the following individuals in the order they offered comments:

- William Lowe stated that he was an area farmer. He noted that Millcreek Township is in a void between various agricultural equipment dealerships and he felt this use would be positive. He stated support for allowing taller poll heights for the lights based on his experience with agricultural equipment.
- Lowell Wellman stated that he owned a home to the northeast on U.S. 42 and that his property is vacant

because people got killed turning into the home. He stated concern over the ability to access the site from U.S. 42. He noted that he had an organization interested in putting an indoor soccer facility on his property.

- Jared Alfrey stated that traffic is bad on U.S. 42 and that there have been a number of major accidents in close proximity to this site. He stated that a traffic light needs installed at Jerome Road and U.S. 42.
- Bill Narducci stated that he has been working with the Ohio Department of Transportation (ODOT) regarding traffic concerns. A traffic signal may not add safety. Though, development may trigger a traffic signal. Wastewater and access to the residual property are also a concern. Mounding may help to deter vehicles around the pond, but it could also be an obstruction. Doug Loudenslager stated they would park equipment so that it would not be an obstruction. He added that current traffic patterns will be improved by directing trucks up Jerome Road to Watkins Road versus utilizing the intersection at Watkins Road and U.S. 42.
- Gary Conklin stated that he believes this use will add to the heritage of the township. The applicant has a well-run business with attractive stores. They provide jobs and activities locally. Providing for this Conditional Use Permit will allow him to maintain his current business.

Bob Whitmore motioned for a recess. Brian Clark seconded the motion. All voted in favor and Jason Comstock announced the meeting in recess at 8:30 p.m. Jason Comstock called the hearing back to order at 8:50 p.m.

BOARD DISCUSSION: Jason Comstock asked that the applicant respond to public comment and that the board deliberate on the application and this testimony. The board deliberated the facts presented. Joe Clase asked that the board consider the proposed Conditional Use Permit first and then consider the various variance requests requested:

MOTION #1: Charles Still made a motion to approve the Conditional Use Permit application to allow agricultural sales and service at 13220 U.S. 42 on parcel number 2500130260000, in the B-2 zoning district, incorporating the application narrative, site plans and testimony, with the following exceptions:

1. Exterior lighting poles shall be limited to twenty-five feet (25') in height;
2. The pond setback from the road right-of-way shall be not less than fifty feet (50') to the high water mark, with a five foot (5') safety ledge designed per the Union County Engineer's Office's recommendation; and
3. Variances from signage and landscaping regulations will be separately considered.

Bob Whitmore seconded the motion. Roll call vote: Bob Whitmore, YES; Brian Clark, YES; Charles Still, YES; Jason Comstock, YES. Motion carried.

MOTION #2: Charles Still made a motion to approve the variance application from Section 11030(B) and 11050(D)(2) to allow the proposed twenty-two foot (22') tall freestanding bracket sign, with ninety-six (96) square feet in sign area with a five foot (5') wide post at 13220 U.S. 42 on parcel number 2500130260000, in the B-2 zoning district. Brian Clark seconded the motion. Roll call vote: Bob Whitmore, YES; Brian Clark, YES; Charles Still, YES; Jason Comstock, YES. Motion carried.

MOTION #3: Charles Still made a motion to continue the public hearing for the variance application from Article XI for the proposed monument sign at 13220 U.S. 42 on parcel number 2500130260000, in the B-2 zoning district, until February 4, 2014 at 7:00 p.m. Brian Clark seconded the motion. Roll call vote: Bob Whitmore, YES; Brian Clark, YES; Charles Still, YES; Jason Comstock, YES. Motion carried.

MOTION #4: Charles Still made a motion to continue the public hearing for the variance application from Article XIII for the proposed landscaping plan at 13220 U.S. 42 on parcel number 2500130260000, in the B-2 zoning district, until February 4, 2014 at 7:00 p.m. Brian Clark seconded the motion. Roll call vote: Bob Whitmore, YES; Brian Clark, YES; Charles Still, YES; Jason Comstock, YES. Motion carried.

Jason Comstock announced the public hearing closed at 10:00 p.m.

Bob Whitmore motioned for a recess. Brian Clark seconded the motion. All voted in favor and Jason Comstock announced the meeting in recess at 10:01 p.m. Jason Comstock called the hearing back to order at 10:10 p.m.

Joe Clase stated that he will post legal notice for the Board's annual organizational meeting on February 4, 2014 at 7:00 p.m., following the scheduled public hearings. He asked the board for feedback on the annual review of Conditional Use Permits. After some discussion, Joe Clase stated that he would mail out a request for updated information to the 21 active Conditional Use Permits, conduct necessary inspections and present his findings at the organizational meeting.

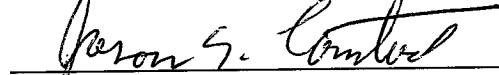
ADJOURNMENT: Bob Whitmore made a motion to adjourn the meeting. Brian Clark seconded the motion. All voted in favor of the motion and the motion carried. Jason Comstock announced the meeting to be adjourned at 10:13 p.m.

PREPARED BY:



Joe Clase, Zoning Administrator

ATTEST:



Jason Comstock, BZA Chair

DATE APPROVED:

