

XENIA TOWNSHIP BOARD OF TRUSTEES
PUBLIC HEARING FOR SOUTH 68 REZONE

August 4, 2016

THESE MINUTES ARE A SUMMARY OF THE EVENTS OF THE HEARING AND ARE NOT A WORD FOR WORD ACCOUNT OF THE DISCUSSIONS WHICH TOOK PLACE.

The Xenia Township Board of Trustees held a public hearing on August 4, 2016 at 5:50 p.m. at the Xenia Township Trustees Office, 8 Brush Row Road, Xenia, OH, 45385 with the following members present:

Attendees: Scott Miller, Trustee, Chair; Susan Spradlin, Trustee; Steve Combs, Trustee; and Sheila Seiter, Fiscal Officer;

Mr. Miller called the hearing to order at 5:53 p.m. Mr. Miller advised that this public hearing was being held to request a zoning change from A - Agricultural to B3 Highway Business District. A letter from the Xenia Township Zoning Commission requesting to approve rezoning two parcels of land on US 68 South, from A and B3 to B2 neighborhood business district. Chair Miller read the Zoning Commissions Resolution from their public hearing on July 19, 2016, and they had two in favor and three against. Although the wording, from the Zoning Commission, was confusing the motion was made to deny. Mr. Miller stated that they would be sure to make the wording clearer when the time comes.

Chair Miller read the meeting procedures for attendees.

Chair Miller offered the floor to the applicant's representative.

Presenter: Mr. Bob Gage of GBT Realty Co, out of Nashville, TN. They are interested in two parcels of land. One parcel would need to be rezoned from AG to B-2 and another from B-3 to B-2. He feels there is a good buffer zone of 43 acres between them and the residential area to the South. He explained that his company would be building a Dollar General Store on the property. He explained there would be 10 – 15 employees per day. He spoke about the traffic concerns, the operating hours of the store, and that they would be using a well and need to put in a septic system. He showed where the access to the property would be located. He spoke about deliveries that occur once a week typically on Monday morning. The store would be heated by propane. An intersection site inspection was done, and they have double the recommendation. No tornado shelter will be built into the building.

Chair Miller opened the floor for the Public Portion of the meeting. He advised those in favor would be first:

Miller read from an email received from Joe Mullikin 1088 LeeAnn Drive, who stated he is in favor of the Zoning Change. He believes this change would not adversely impact the area, and thought it would be nice to have a small retail store on the South side of Xenia. There are no stores on this end of town, and that the closest stores are 6 to 8 miles away.
No guests in attendance spoke.

Chair Miller opened the floor to those against the rezone:

Robert (Todd) McNelly 78 Maple Drive, spoke about the life expectancy of a business is 7 years. Dollar General has signed a contract, but all contracts have an out. They could possibly buy out of the contract could you please ask the business about this. As for the site itself, he voiced concerns about the following: a retention pond so close to 68; speed limit safety; and runoff to the retention pond. He spoke about his opinion of the Xenia Township Land Use Planning Value Statement from the website; this is something we are supposed to follow. He stated he personally did not want the business to encroach on our residences. He stated there is another property of 92 acres that is B-3 that could be used. He spoke about other properties being too expensive. Mr. McNelly voiced his concerns about the wells that were going to be drilled and the possible impact on the current neighborhood wells. He talked about the traffic concerning the additional water usage.

Sam Rogers, 727 Hook Rd., advised his property butts up against the area and he does not think it needs to happen. He advised he is not against the business opening, but it would be like a cancer and spread. He noted how the neighbors all live on wells and septic systems and do not want something like this to draw on them also. He respectfully asks that this not be rezoned for this purpose.

Stephan McPherson, 983 US 68 South, spoke about the numbers the average person would need to spend \$25 per trip to match. He stated there are other B-3 properties in the area that could be used for this business and the people around there would rather see those properties used instead of Ag land. He voiced his concerns about getting his mail from across the road. He asked why piece together in violation of the guide lines to slide in a store.

Clint Miller, 950 Valley Dale Drive, stated they live two miles outside the City of Xenia and there are five Dollar Stores, along with pharmacies and fast food places. He stated he is all for construction, it puts bread on his table, but let's be smart about it.

Larry Oliver, 960 Livingston Drive, advised he is against it also. He takes a risk turning into his plat now. People just fly down through there. Well water, some people have problems, some people don't. He noted they already have drainage problems now, and he does not think adding a business would help this issue at all. He stated the area has been going downhill with car lots and other things. The bright lights are an issue also.

Jane Wead, 930 Valley Dale Drive, stated her concerns with the water, and at the last meeting it was said that there would be two wells, one for the store and one for the retention pond and sprinkler system. She noted the traffic count was done in 2008, and there are R&L traffic issues. She stated the speed limit is 45 going south and 55 going north. Ms. Wead asked Franklin and Associates, if it has already been sold? The company answered that they have put a down payment on the land but it has not been purchased.

Denise Mentzer, Part owner of 925 Livingston Rd., Talked about the traffic issues from 2008, and since then R&L has expanded, which means more jobs and more traffic, and it is only going to get worse.

Ron Barringer, 940 Valley Dale Drive, voiced his opinion for the concern of people turning into their neighborhood to turn around because they missed the store. That will add traffic into their quiet neighborhood. The last thing he wanted is a Dollar General store down the street.

Mari McPherson, 983 US 68 South, advised she sent emails to each Trustee and wanted to be sure they got them, as she had only had a response from Ms. Spradlin. She advised she does not care for Dollar General; does not mind the three in Xenia; and they do not look good when they are not making money, just look at the one by Cassano's.

Tim Crossman, 871 Terri Drive, Stated he finds it shocking that we want to build a shop in a neighborhood like that. He thinks this would cost a lot of money for everyone involved, just the whole concept is shocking to him. He thinks creating more traffic in the area is adding fuel to the fire.

Renee Crossman, 871 Terri Drive. Stated as a mother and grandmother, she thinks there is a safety buffer. Being outside the City her kids and grandkids can play and run and not worry about safety. There is a concern of safety for families. She asked why not make one of the other stores a "Super Duper Dollar General."

Jane Wead, Asked how likely is a closure? There is one on Main Street that it is closed.

Chair Miller asked how many former Dollar General Stores have been in the Xenia area over time. No one had an answer at the time.

Judy Randall, 700 Hook Rd., asked if this store does not make it what will happen to the store? She noted when traffic is coming into Xenia from Wilmington; nobody stops or slows down when you are turning. It is a real concern with traffic.

Steve McPherson, 983 US 68 South, mentioned that it is no longer a Sheriff watching for speed by the neighborhood but OSP.

Rose Hamilton, 930 Valley Dale Dr., stated the bottom line to her is the buck, and will also cost the Township because of the traffic. She said next they will be asked to pass a ley to widen the road. Tax revenue is a concern of hers.

Jane Wead, 930 Valley Dale Dr., stated most of the area property values have gone down, and she does not think this will help values.

Nancy McKenney, 927 Valley Dale Dr., advised she sent each Trustee an email. The country side, the lights at night; are we going to see the meteor shower? They can now, but would they be able after Dollar General? It will have all those lights and she does not want or need it.

Larry Oliver, 960 Livingston Drive, said a couple of years ago there was a meeting down on 68 at the Fire Station about how the Township can make money.

Aaron Houser, 840 Maple Drive, advised they moved out there for the kids. They did not want to be in a high traffic area and would not have bought in that area if that kind of store was in the area. He asked if Joe Mullikin from the email read is on the Zoning Board? Spradlin and Seiter advised no, he is on the Board of Zoning Appeals, a different board that is not involved in this process.

Robert McNelly 78 Maple Drive, stated the Land Use Value statement is something that we need to keep in mind. Land is a finite resource. It needs to be protected as such. All residents are stewards of the land and the use and quality of the land are of all present and future residents of Xenia Township.

Jane Wead, advised this neighborhood has a covenant, and that all the houses are well kept and that you cannot put up a metal structure on your property.

Miller moved to close the public portion of meeting, Combs seconded the motion.

Roll Call: Mr. Miller- Aye, Mr. Combs- Aye, Mrs. Spradlin- Aye. Motion carried.

PASSED by roll call of 3-0.

RESOLUTION NO. 2016-168

Susan Spradlin, advised that she has taken many notes, and done her research. She knows many of you and has been to your homes and neighborhood. She looked into this and she heard that there is 92 acres available, is this for sale? Steve McPherson explained the other properties for sale. Robert McNelly advised 17 properties from .75 acres to 15.71. Are there properties in between there that are 5 acres? Yes there are. As far as accidents, she stated that the Township cannot stop all accidents from happening. There are over 700 accidents in Ohio a day. As for the lights and the wildlife, the lights are a necessity, and do not know how this would change things. Property values are down everywhere, and our taxes went up. Farmers have been hit the hardest. She hears everyone wanting to move from the City to the Township, she understands. One thing that does happen is change and things do change and without change we become stagnant. She is not sure which way she am going to go on this, but know that if this group of people do not get what they need they know how to proceed.

Steve Combs, advised the he has become pretty familiar with this area because he used to own property out along 68 South. He understands the traffic issues and safety issues. He believes ODOT approved the site clearance. He hears everyone when they say that it will get worse, and he does not see it getting any better with the cars. Someone asked about the opt-out of the contract, and it is a 15 year contract. He supposes the company could buy out the 15 years. Someone mentioned that the retention pond should be moved to the back of the property, he does think that would be a good idea if this goes through. Would the company be willing to do that? Bob Gage said that they would have to go back to ODOT to check, and that this is not a retention pond it is a detention pond, so it will not have water in it. He has heard the concern of water and sewer, and once again unfortunately, he knows that water and sewer is coming that way. Also, he heard a lot about the wells and the sewers, but if everyone remembers there was a large retailer in that area before, so he does not see the water and sewer affecting anyone's water and sewer. He does not think this would be a serious problem. He does hear a lot of honest people talking about the safety concerns of their homes and families.

Scott Miller, small businesses, as this small box store and most people might remember Lawson's Convenient Stores in town. It was not quite like this, they lasted for some period of time. He does not think they are around anymore, and they did a lot of business over time. He thinks it is this store's idea to be a convenient place to go. He understands them wanting to do this. The questions that have been asked about outdoor lighting and those are a concern and there is a way to accomplish this. He was surprised to hear about the sprinklers, so you are not required to have a sprinkler system? Bob Gage said not required because there is a 12,500 square foot minimum for this, but he thinks they were mentioning the outside sprinklers. For everyone's knowledge this is on the state's road and there are significant differences with that. He thinks this could be a catalyst for this area, and he thinks the store could do well. In that respect he encourages the store to open in this area. However, he thinks there are other ways other than changing the agricultural portion of this. He thinks they could accomplish the same goals for the retailer in this area by doing this.

Mr. Miller moved to approve the request from Franklin Land Associates, LLC. to change the zoning for the two parcels involved from Agricultural and B-3 Highway Business District to B-2 Neighborhood Business District. Mrs. Spradlin seconded the motion.

Roll Call: Mr. Miller- No; Mr. Combs- No, Mrs. Spradlin- No.
Request is denied by roll call of 0-3.

RESOLUTION NO. 2016-169

Mr. Miller moved to adjourn the public hearing. Mr. Combs seconded the motion. Roll Call: Mr. Miller- Aye, Mr. Combs- Aye, Mrs. Spradlin- Aye. Motion carried.
PASSED by roll call of 3-0.

Adjourn 7:55

_____	XENIA TOWNSHIP BOARD OF TRUSTEES
Resolution #	_____
_____	Scott Miller, Chair
Date Approved	_____
ATTEST:	Susan Spradlin
_____	_____
Sheila Seiter, Fiscal Officer	Steve Combs

MEH