

XENIA TOWNSHIP ZONING COMMISSION

MEETING

April 26, 2016

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

The Xenia Township Zoning Commission held a meeting on April 26, 2016 at 8:55 p.m. at the Xenia Township Trustees Office, 8 Brush Row Road, Xenia, OH, 45385 with the following members present:

Attendees: Jeffrey Zweber, Virgil Ferguson, Kent Harbison, Alan King, Donna Randall and Alan Stock, Zoning Inspector/Clerk.

Guests: Bob Nutter, Mary Nutter, Betty Hosta, Marshall Foils, William Thorp

Chairman Jeffery Zweber called the meeting to order at 8:55 p.m.

Alan Stock read into the record (F) discussion and (G) recommendation.

Jeffery Zweber opened the discussion and asked for the person presenting the request for the rezone of Kil-Kare.

Marshall Foils, of 303 E. Hoop Road began his presentation and showed a map of what exactly they are looking for. Kil-Kare is zoned as light industrial with an M3 parcel across the street and with the residential area being separated by Hawkins Road. They are looking to rezone the M3 parcel across the street as a B3 with the intention of building store-n-locks. Mr. Foils said they were following all the required steps laid out by the Xenia Township and that to be able to build the store-n-locks the area must be rezoned to B3. After the rezone, the facility would then have to apply for additional use of the storing lock. Mr. Foils addressed the Regional Planning Committee's concerns and he started with Letter D of their findings, Number 3 of the prospectus of the 20/20 land use. Mr. Foils said that the parcel of land in was designated as agricultural under the 20/20 land prospectus. Mr. Foils then went on to Number 4 and stated that the plan had never been formally adopted by Xenia Township. Mr. Foils then went to Number 6 on the Thorough Fairs which concerned the traffic issues and referred to the 20/40 Regional Transportation Plan. Mr. Foils addressed the concern and said that as far as he knew Kil-Kare never had a history of traffic sitting in the road. Mr. Foils also said there had been no complaints about traffic since the facility opened the new entrance, which keeps Dayton-Xenia Road flowing safely in both directions. Mr. Foils gave another example of a property that followed the same procedure that Kil-Kare was and is now zoned B3. Mr. Foils understood why the checks and balances were in place, and why there was a need for water and sewage, but he does not think that for storing lock water and sewage would be necessary. Mr. Foils feels there is a need for store-n-locks in the area.

Jeffery Zweber asked who makes sure that the sewage and run off and any of those issues that were currently listed would be compatible with whatever services were required.

Marshall Foils, of 303 E. Hoop Road answered this question by stating that the responsibility would fall on the County Engineer, Building Department, and the Health Department. Mr. Foils then goes on to say that you have to submit plans for whatever building you are planning, and that they must be checked by the listed parties. Mr. Foils states that requirements for structures are different depending on occupancy and other qualities.

Alan Stock described the process of getting a zoning permit and the need to draw up a sight plan. Mr. Stock next said that with a building like a store-n-lock, the sight plan would be taken to the Greene County Building Regulations to see if there are regulations on things like restrooms.

Jeffery Zweber asked for any further questions on the application.

Alan King asked if there were any provisional plans for screening of the facility at all.

Marshall Foils, of 3013 E. Hoop Road answered and said that they had no drawn out plans for the parcel of land near Hawkins Road because the topography itself makes a natural screen.

Alan King asked if the Kil-Kare Used Car Facility was still being used or if it was still operational.

Marshall Foils, of 303 E. Hoop Road answered and said that it was no longer in operation do to the need of being cleaned up and fixed.

Jeffery Zweber asked for any further questions.

Alan King asked if Kil-Kare fell within the limits of the Xenia Township.

Marshall Foils, of 3013 E. Hoop Road answered and said that Kil-Kare actually fell within the Beavercreek Township limits.

Donna Randall asked that if, for example, the facility decided they wanted to put in something like a restaurant in the new zone, would they be able to just put in a new application for the structure.

Marshall Foils, of 3013 E. Hoop Road answered and said that the checks in balances in place prevent this because of the requirements for things like sewage and water.

Donna Randall asked if they would be allowed to change what they originally wanted to put in the zone.

Jeffery Zweber answered and said that if the parcel in question was to be rezoned, they could build something else on the land besides their original plan as long as they follow the procedure that Alan Stock had explained prior.

Jeffery Zweber asks for any further questions on the application then moves on to the public comments.

Mary Nutter, of 925 Hilltop Road spoke on her concerns with the rezone and shared her questions for the Commission to consider, such how many store-n-locks would there be? What kind of lighting would be implemented? What does the project itself entail? Mary Nutter feels that many of the improvements that Kil-Kare had made before had negatively impacted the Beaver Creek Township. Mary Nutter said that the lighting is far too bright, the PA system is rather loud and runs for a large part of the day, and the facility has a hard time staying within the time window for the hours of operations they are supposed to adhere to. Mary Nutter feels the facility has no real limitations and feels that everyone should be mindful of the lights, sound, and disruption it causes to the Township. Mary Nutter also commented on the increased number of accidents in the area and shared her concerns.

Bob Nutter, of 925 Hilltop Road purposed that Kil-Kare should have to submit a specific sight plan of the store-in-locks before the rezoning could be approved. Bob Nutter shared concerns with previous decisions made by the BZA to rezone Kil-Kare in the past. Bob Nutter shared concerns for the noise and the lights. Bob Nutter shared a picture of the front of the facility with an old trailer in the front which appeared aesthetically displeasing and he felt showed a lack of concern for the facility's neighbors. Bob Nutter asked for relief from Kil-Kare. Bob Nutter did not feel this kind of open ended procedure provided the appropriate checks and balances needed.

Betty Hosta, of 1862 Mohawk Court spoke on being related to the former owners of Kil-Kare and said that they had always worked closely with the county. Betty Hosta said that when her family sold Kil-Kare, they were assured that the historical aspect of Kil-Kare would be carried on. Betty Hosta went on to say that shortly after the sale her and her families were no longer permitted on the facility, and that many of the former employees were also removed. Betty Hosta felt that the permit should not be given without a sight plan.

William Thorp, of 322 Montana Drive said that he had been involved with Kil-Kare his whole life. William Thorp shared that he has received a lot of negative attention from working at Kil-Kare. William Thorp felt that the Kil-Kare facility was a good way to bring in revenue. William Thorp felt the issue had taken a turn from a strictly business stand point, to a more personal one. William Thorp felt that the facility and owners were doing what was necessary to properly solidify the business. William Thorp said he understood the concerns but that he does not want this to turn into a situation where the facility gets attacked. William Thorp wants to make Kil-Kare a crown jewel for Xenia. William Thorp stated that their only intent is to build a store-n-lock and nothing more.

Betty Hosta, of 1862 Mohawk Court said that there was no sewage or water lines, and did not see the possibility of there being any in the future. Betty Hosta felt that if the Commission passed the rezone without a proper sight plan, the proper checks and balances would not be put into place. Betty Hosta felt that the facility would fall into disrepair and to fall into ruin because nobody would be willing to work there. Betty Hosta shared her concerns and asked that if that one small parcel was changed, what could stop them from changing everything?

Marshal Foils, of 3013 E. Hoop Road said that the facilities goal was to separate it as much as possible from the residential area. Marshal Foils also commented that the Nutter home was built after the facility had been put into place. Marshal Foils felt the terrain of the parcel made it an easy choice to be rezoned into B3.

Mary Nutter, of 925 Hilltop Road confirmed that the Nutter house was indeed built after the facility but said that when her house was first built, the noise and lights were not as much of a problem. Mary Nutter had large concerns for any form of expansion that the track and facility may do.

Bob Nutter, of 925 Hilltop Road said that the issue did not fall with the track but with the current management and the trust they had broken with the community. Bob Nutter felt that the Xenia Zoning Commission had done nothing thus far to handle Kil-Kare.

William Thorp, of 322 Montana Drive addressed some of the accusations that were mentioned. William Thorp said that the trailer in the question in the front had been there since the previous owners had control of the facility, and that one of the goals was to clean that up and improve it. William Thorp said that a lot of the issues with the track took place because of the change in management. William Thorp stated that he is on the track every week ensuring that the facility runs and operates as intended. William Thorp also said that the park shut down the speedway because of complaints from neighbors, and that he was unsure of what else the facility could do to be good neighbors. William Thorp said that he felt that everyone on both sides had been trying their best to get along and he did not see a reason to complain about the track or how it was ran.

Betty Hosta, of 1862 Mohawk Court said that when her and her family owned the facility, their main concern was keeping the facility open. Betty Hosta felt that the track the way it was is a good enough business and that further allowed changes would just bring out law suits which could cost the facility money. Betty Hosta expressed that changes on the zoning of the facility could bring out attacks on the facility.

Jeffery Zweber closed the public comments section of the meeting and moved on to deliberation.

Alan King gave the pluses and the minuses for the rezoning, and felt that if there was ever a reason to rezone anymore agricultural land; this would be as good of a reason as any. Alan King also felt that the light residency did not pose a problem to the rezone. He also felt that the closure of the junkyard meant that the facility is doing all it can to preserve the resources and land it has available. Alan King recognized concerns for the water protection that would be needed and the need to take more farm land. As far as utilities and traffic, Alan King did not see much to be concerned.

Virgil Ferguson asked how many store-in-locks were going to be placed.

Marshal Foils, of 3013 E. Hoop Road responded and said that the number of store-in-locks had not really been a focus at that point, and that the management wanted to seek out zoning before an actual number of storing locks was considered.

Jeffery Zweber felt that proper restrictions were in place to separate the residential zone from the facility. Jeffery Zweber also said his philosophy was to give as much control of a business as possible to the owners. Jeffery Zweber leaned more towards allowing the rezone. Jeffery Zweber went on to explain the process of writing a Letter of Conveyance to the Trustees.

Jeffery Zweber asked for any further comments before the vote.

Donna Randall raised concerns for what could go in the zone, and listed off structures such as restaurants or a service station if the management decided to change their mind. Donna Randall does not want the facility to continue to spread.

Virgil Ferguson asked Alan Stock if the BZA could say yes to a request to allow the servicing of cars even though the agreement says no.

Alan Stock replied with yes and then redirected to the Commission.

Alan King described the difference between conditional use and variance use. Alan King hypothesized that there would be many uses for the parcel and zone in question.

Jeffery Zweber moved that 1166 Dayton Xenia Road owned by Kil-Kare, parcel M36000100160004500 be rezoned from the agricultural district to the B3 zone. Alan King seconded.

Jeffery Zweber asked for discussion on the motion.

Discussion was held about the map and the zones in the area.

Jeffery Zweber asked for any further discussion. No further discussion was held and he moved to allow the rezone from Agricultural to B-3 Highway Business, Alan King seconded the motion. Alan King asked to look at the zoning map. Roll Call: Jeffery Zweber – Aye, Donna Randall – Nay, Virgil Ferguson – Nay, Kent Harbison – Nay, and Alan King – Aye. The motion was denied by a vote of 3-2.

A Letter of Conveyance will be drafted, signed, and turned over to the Trustees containing the contents of the hearing, the motion, and the vote.

Jeffery Zweber made a motion to adjourn the meeting. Alan King seconded. All voted in favor. Meeting adjourned at 10:05 p.m.

ATTEST:

Alan D. Stock, Zoning Clerk