

XENIA TOWNSHIP ZONING COMMISSION

MEETING

August 23, 2014

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 August 23, 2014 at 8:00 a.m. at the Xenia Township Trustees Office, 8 Brush Row Road, Xenia, OH, 45385 with the following members present:

Attendees: Virgil Ferguson, Kent Harbison, Alan King, Willie Washington, Jeffrey Zweber, alternate Donna Randall, Sheryl Blackaby, Secretary Xenia Township.

Chairman Alan King called the meeting to order at 8:19 a.m.

A report came back from Regional Planning and Coordinating Commission recommending the subject rezoning from A to M-3 be approved.

Mr. King covered the procedure checklist for the proposal: A public hearing for the Zoning Commission will need to be held; the Zoning Commission will need to make a decision within thirty (30) days after the public hearing; the Zoning Commission will send a recommendation to the Trustees; the Trustees must schedule a public hearing within thirty (30) days, and make a decision within twenty (20) days after their public hearing.

There was discussion about the public hearing being tentatively scheduled for September 2 and the timeframe they had to work within. They received the request on July 29 and have forty (40) days to hold the public hearing—the deadline is September 7. In looking at the calendar the Commission determined the September 2 date would not work since there was not enough time for newspaper publication and sending out notices.

Mr. Zweber said he thinks the M-3 District reads a lot like a Planned Unit Development. He noted in 411.2 it states “All applications for the M-3 within Xenia Township shall be accompanied by the following information . . .” When Cemex requested the rezone they submitted all this information. However, this time the Trustees requested the rezone. None of the conditions Cemex previously submitted count with this proposal. Cemex would have to comply with the Township zoning requirements under M-3. A mining permit would be required from the State. The Commission looked at the zoning map. The Zoning Commission could make specifications to the rezoning if they approve it. If they approve the rezoning, Section 411.6 of the Zoning Resolution would lay out the general provisions. The Commission also looked at Fairborn’s restrictions for mining districts. They found Xenia Township more restrictive than Fairborn in that Xenia Township uses the term “dwellings” as well as “residential districts” for buffering in mining areas and the buffering distances are bigger.

The Commission placed a call to Alan Stock to ask several questions about scheduling the public hearing for Saturday, September 6, from 9:00 a.m. to 11:00 a.m. They also asked if they had to have permits and maps for backup for the public hearing. Mr. Stock said no. He said ODNR

requires CEMEX to have permits each year. ODNR makes sure they fulfill local ordinances and have a map of where they plan to mine in the upcoming year.

The Commission spent time looking at the provisions for mining in the Zoning Resolution. Mr. Harbison said it would be good to see if bonds are large enough to cover costs and to see if the money would come to the Township. Mr. King asked if experts need to come to meetings again or could the Commission look at evidence themselves. The group seemed to think they could look at the evidence themselves as most of the board members were part of the hearings before. Mr. Ferguson said no blasting was allowed less than 100' of any right-of-way. They discussed berms and reclamation.

The Zoning Commission suggested holding a Public Hearing on Saturday, September 6, from 9 a.m. to 11 a.m. On Monday Mr. Stock will check on availability of the hall at Central State University for that date.

The Commission said Section 411.2 is not applicable but everything else in the M-3 text would be. They would like to do an M-3 text amendment preemptively.

Their next meeting will be Tuesday, August 26.

The Commission decided to ask for more information before the next meeting: 1) They want to know if the bonds come to the Township; 2) They want Mr. Stock to check about whether to do the text amendments for M-3 or conditions under the Operating Permit before they have the public hearing on the rezone proposal; 3) With the hearing for American Aggregates the Zoning Commission put in recommendations for bigger setbacks and higher berms--Mr. Stock will research that for them too.

Jeffrey Zweber made a motion to adjourn the meeting. Virgil Ferguson seconded. All voted in favor. Meeting adjourned at 10:00 a.m.

ATTEST:

Alan D. Stock, Zoning Clerk