

## XENIA TOWNSHIP ZONING COMMISSION

### PUBLIC HEARING

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 7:00 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.

Chairman Jeffrey Zweber called the meeting to order at 7:00 p.m.

Jeffrey Zweber asked the Commission members to introduce themselves. He explained what rezoning cases would be discussed at the meeting and asked the guests to vote on which case they were more interested in. It was announced that the rezoning case for Central State University would be discussed first because of the majority vote.

Jeffrey Zweber asked for all attendees and guests to stand for the Pledge of Allegiance. All participated in the Pledge of Allegiance.

Jeffrey Zweber explained the procedures and processes that they are required to follow. He asked that all comments and questions be directed towards him. He said they will announce the continuance date at the end of the meeting if one is necessary. Jeffrey Zweber asked if there were any questions about the procedures that would be followed. No questions were asked. He asked Alan Stock to read into the record the recommendation from Greene County Regional Planning. Jeffrey Zweber asked for the presentation of the petitioner.

Chris Widener, Central State University, introduced the other presenters that attended with him and what their part in the project is. He said they are pleased to becoming a Land Grant University and to be pairing with The Ohio State University for research. He said the University could possibly be awarded \$4million for both research and extension as well as extra funding for these facilities. Mr. Widener reported the Work Plan for Central State; he said they will be selecting the ten largest and most populous counties to establish offices in.

Dr. Lowell, Agricultural Department Chairperson, explained the activities that would take place. She said the University will be adding new faculty and staff to their facility for the Agricultural Sciences Department. She said they will need to expand their facility for soil, water quality and food science research that is a part of the Land Grant mission. She also announced that there will be services open to the public such as a computer lab and soil testing for local farmers. She said there will also be an open entry way and small seminar rooms that could be used for meetings.

Mr. Brown presented the graphical layout proposed for the new building as well as the site plan. He said the design is non-intrusive with the maximum setbacks as well as a modern and welcoming structure. The idea for the building is to create a "front door" for Central State. The

brick that would be used ties in the building with all other buildings on campus and the large amount of glass is envisioned to bring the outside in and vice versa.

Laura Wilson, General Counsel for Central State University, confirmed the University's assent to change the request from a B-3 to a B-2 and requested the petition be amended to reflect that change.

Charles Shahid, Central State University, said as they began receiving correspondence during their application process, they were told that the Wilberforce community and Central State were two separate entities. He said they are a part of the Wilberforce community and always have been one community. He also said that they would like the project to be viewed as a community project.

Jeffrey Zweber initiated the next procedure. He said any Commission member that had a question is welcome to ask it at that time. Jeffrey asked to discuss the issue of a non-residential use adjacent to a residential district. He asked about the physical landscape features. Mr. Brown responded they are currently in a pre-designed stage and it is in their plan to create a screening in that area along Brush Row. Alan King asked why they chose to go with the Business zoning instead of the IG to keep the zoning the same as the rest of the University. Chris Widener responded that they want to be as transparent with the use of the building, and that there may be other commercial uses within the building that grow out of research. He also said that there may also be plant and fertilizer sales as well as business and commerce activity. It was decided by Mr. Brown and Alan Stock that B-3 would be a better option. He explained further why this would be their ideal zoning.

Jeffrey Zweber opened up the floor for public comments in favor of the rezoning.

Steven Key, 1227 Wilberforce Clifton Road, said he is in favor of this and believes it's a good idea. However he asked the Central State Employees to be courteous and answer their phones when the public has questions or concerns.

Jeffrey Zweber read into the record the correspondence letter the Commission received from residents opposing the rezoning. He then opened up the floor for public comments against the rezoning. He said each person may have a total of five minutes to state their opinion.

Cookie Newsom, 1530 Wilberforce-Switch Road, said if they ended up building, it would basically be in her front lawn. She gave a brief history of the Wilberforce community. She said Central State has been very insulting to their neighbors. She said the lot they are trying to rezone, was left to the University to be used for religious needs. She then explained that when the University cleaned up a property across from her, they left the cut trees lying around and allowed random people to come and cut and collect the remaining wood. When she complained, they told her they could not do anything about that and that's what she should expect when living next to a Land Grant University. She said the University has other plots they could use for this purpose that does not need to be rezoned and she has a feeling that there is an alternative motive for this rezoning. She then said that the University has no connection with the community and does not communicate adequately.

Lora Dietrich, 1503 US 42 E, said she is so upset about this issue. She can reiterate what Cookie Newsom said. She said she has been picking up trash daily from Central State and can only imagine that it will get worse.

Richard Rung, 1269 Nash Road, read a couple things into the record from the handout from the B-3. Alan King said they are discussing the B-2 instead. He said the acreage is smaller in the B-2 than a B-3.

Bettie Atwater, 1543 Wilberforce-Switch Road, said her family has been on the land since 1890 with the African American history. She gave a background on her family with Central State University. She said the University has not been transparent with the community. She found surveyors in her neighbor's backyard without any contact with the home owners. She also said that property was left to the University for religious purposes. She too is confused why they would proceed with the B-2 district and not the IG district.

Willie Washington, 1089 Wilberforce Clifton Road, said he did not receive a letter for the meeting. He said the program itself is a good idea and could have a great impact but does not believe the location is accurate. He is also concerned with the spot zoning of the parcel. The safety of students is also a concern of his with them crossing 42 to get to the building.

Jeffrey Zweber closed the public discussion for the opposition of the rezoning. He then opened up the floor for anyone who would like to make a final comment.

Cookie Newsom, 1530 Wilberforce-Switch Road, stated that they did not get any reassurance for the noise or smell for experiments or the sale of fertilizer.

Dr. Kelly, 1523 Route 42 E, made the comment that once the engineering building opened up, the area became very noisy. She said she can no longer enjoy sitting outside her house with the load disturbance. She said she has not received any information nor was given enough time to do research about the issue before the meeting.

Jeffrey Zweber closed all public comments.

He moved on to the Zoning Commission deliberation. He asked what options the Commissioners had. Alan Stock responded and said that in this case, the Zoning Commission would hold a public hearing, and would then send a Letter of Conveyance, which is the recommendation of the Zoning Commission, and then there would be a public hearing with the Trustees. The Trustees will review the minutes and the Letter of Conveyance. The other option Alan Stock suggested was to create another meeting at another date and time to discuss the topic if the Zoning Commission felt they needed more time to think on the subject.

Jeffery Zweber asked for any further public comments.

Alan King asked if the whole board was present.

Jeffrey Zweber confirmed that the whole board was present.

Inaudible asked if the vote worked in a majority rule.

Jeffrey Zweber confirmed that the vote was a majority rule. He then went on to open the comments from the Zoning Commission.

Inaudible gave the positives and negatives for the request.

Jeffrey Zweber went on to ask for further comments.

Donna Randall asked for a continuance for this discussion because she felt more evidence and conversation was needed before she voted on it.

Virgil Ferguson went on to explain the process of spot zoning and raised questions as to if the community would ever get to the point where they could rezone the parcel of land so that something else could be put in its place.

Kent Harbison shared concerns with the large amount of flexibility with a B2 zone. He said that something could be placed there that the community did not necessarily agree with or see as fit. He also mentioned the concern of crossing the street and that safety issue. He also spoke on the noise concerns and traffic concerns.

Unknown member of the public asked if the IG zone, industrial governmental, would still be spot zoning.

Alan Stock answered and said no not by definition.

Jeffrey Zweber went on to define IG when asked.

Chris Widener, of Central State recognized that B2 has more flexibility than IG and that he wanted to address the concerns that community may not have seen all of the uses listed.

Jeffrey Zweber said that the community felt the restrictions laid out with an IG zone fit the needs of the institution.

Cookie Newsom, 1530 Wilberforce-Switch Road felt that Central State has more than enough land to build the structure they want, and that allowing the rezone would be hurtful to the community.

Dr. Kelly, of 1523 Route 42 asked if this project was the first phase for a bypass on Route 42 that John Garland wanted.

Alan Stock answered and said that that the bypass project was to make Wilberforce a walking community and to reduce the speed limits on Route 42, and this was a Miami Valley Regional Planning project. The goal was to also have large trucking bypass both universities. Alan Stock went on to further explain the plans and layouts. Alan Stock said that for all of this to happen no rezoning would be necessary. The traffic re-route did not require rezoning.

Bettie Atwater, 1543 Wilberforce-Switch Road made a statement about the terrible traffic issue trying to pull out onto Route 42 during certain hours of the day. Bette Atwater went on to

express concerns about the numerous accidents on that road that go unreported and mentioned that no traffic counts had been performed.

Bettie Atwater asked if traffic counts were a job for the County Engineer.

Alan Stock answered by saying that requests for traffic counts are given to the County Engineer for a specific purpose and then the County Engineer would go through the expense of performing a traffic counts.

Bettie Atwater, 1543 Wilberforce-Switch Road said that it has been reported that there are no traffic issues on that route and she disagrees with this.

Bob Edingfield, of 2072 Wilberforce-Switch Road asked Alan Stock if the Regional Planning bypass was still in the works.

Alan Stock answered that Regional Planning has a 25-32 year plan laid out for the future, and he then went on to further explain. Alan Stock also explained the environmental studies that were needed and halted due to lack of local funding.

Eric Browne, for Central State gave a statement on the intent of the structure the institution is looking to build. He stated that the building was not going to be used by students, but rather farmers. He went on to say that the institution did not want young 19 year old college students intermingling with older farmers, and that helped drive the decision of where to put the building. Eric Browne assured there would be no student activity happening there.

Cookie Newsom, 1530 Wilberforce-Switch Road asked where the access point for the structure would be.

Eric Browne, for Central State answered the question and said that the plan was for the entrance was to be placed on Route 42 and that that is where the turn in would be, and the exit would be out onto Wilber-Force Switch Road.

Cookie Newsom, 1530 Wilberforce-Switch was not happy with the exit being so close to her driveway.

Chris Widener, Central State gave a summary of his statements, and said the institution would gladly accept an IG rezone if B2 was not acceptable.

Jeffrey Zweber made a motion to rezone 1481 U.S. 42 east owned by Central State, from residential to IG. Virgil Ferguson seconded the motion. The Commission then went on to discuss if there was enough that had been shared to make a decision or if the discussion should be continued.

Virgil Ferguson said that in spite of seconding the motion he did not feel ready to make a decision on the rezone and then gave his concerns with the fact that legally the rezone would not be considered spot zoning, but it would be intruding a different zone into an already existing zoned area. Virgil Ferguson also shared that he felt that since there were already other areas that were appropriately zoned for this project, he did not see this rezone as beneficial to the Township.

XENIA TOWNSHIP ZONING COMMISSION MEETING  
APRIL 26, 2016

Jeffrey Zweber requested to withdraw the motion. There were no objections so the motion was withdrawn.

Jeffrey Zweber made a motion to hold a continuance meeting for further discussion of the rezoning for Central State University, Virgil Ferguson seconded. Roll Call: Jeffrey Zweber- Aye, Alan King- Aye, Virgil Ferguson- Aye, Kent Harbison- Nay, Donna Randall- Aye. Motion PASSED with a roll call of 4-1. The Continuance Meeting will be held on May 12 at 7:00 p.m.

Jeffrey Zweber made a motion to adjourn the meeting. Virgil Ferguson seconded. All voted in favor. Meeting adjourned at 10:04 p.m.

ATTEST:

---

Alan D. Stock, Zoning Clerk