

## BOARD OF COUNTY COMMISSIONERS WARREN COUNTY, OHIO

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TOM GROSSMANN
PAT ARNOLD SOUTH
DAVID G. YOUNG

## BOARD OF COUNTY COMMISSIONERS WARREN COUNTY, OHIO

MINUTES: Regular Session - September 8, 2016

The Board met in regular session pursuant to adjournment of the September 6, 2016, meeting.

David G. Young - present

Pat Arnold South – present

Tom Grossmann – present

Tina Osborne, Clerk – present

Tom Grossman	i present i ma Osborne, Cierk – present
16-1424	A resolution was adopted to designate Family and Medical Leave of Absence to Jessica Stohlman, Custodial Worker I, within the Department of Facilities Management. Vote: Unanimous
16-1425	A resolution was adopted to designate Family and Medical Leave of Absence to Deborah Griffith, Administrative Assistant, within the Telecommunications Department. Vote: Unanimous
16-1426	A resolution was adopted to approve the transfer of Taylor Bishop from Sewer Collection Worker III position to the position of Wastewater Treatment Plant Operator I within the Water and Sewer Department. Vote: Unanimous
16-1427	A resolution was adopted to authorize the posting of the "Sewer Collections Worker I or II" position, within the Water and Sewer Department, in accordance with Warren County Personnel Policy Manual, Section 2.02 (a). Vote: Unanimous
16-1428	A resolution was adopted to approve end of 180-Day Probationary Period and approve a pay increase for Laura Oeder, Cashier/Receptionist, within the Building

and Zoning Department. Vote: Unanimous

MINUTES SEPTEMBER PAGE 2	8, 2016		
16-1429	A resolution was adopted to approve a pay increase for Erin Caito within the Warren County Department of Emergency Services. Vote: Unanimous		
16-1430	A resolution was adopted to determine the necessity for certain road improvement projects for public use without charge where special assessments are not to be levied or collected. Vote: Unanimous		
16-1431	A resolution was adopted to approve an emergency repair to the in-line chlorine analyzer at the Richard A. Renneker Water Treatment Plant Lab. Vote: Unanimous		
16-1432	A resolution was adopted to approve various refunds. Vote: Unanimous		
16-1433	A resolution was adopted to approve the following record plats. Vote: Unanimous		
16-1434	A resolution was adopted to approve appropriation adjustment within Juvenile Court Reclaim Grant Fund #247. Vote: Unanimous		
16-1435	A resolution was adopted to approve a cash advance and operational transfer from General Fund #101 into Fund #479 Airport Construction and supplemental appropriation into Fund#479 Airport Construction. Vote: Unanimous		
16-1436	A resolution was adopted to approve supplemental appropriation within Facilities Management Fund #494. Vote: Unanimous		
16-1437	A resolution was adopted to approve appropriation adjustments within Prosecutor's Office Funds #101-1150 and #271. Vote: Unanimous		
16-1438	A resolution was adopted to approve appropriation adjustment from Board of Elections Fund #101-1302 into #101-1300. Vote: Unanimous		
16-1439	A resolution was adopted to approve appropriation adjustment within County Garage Fund #101-1620. Vote: Unanimous		
16-1440	A resolution was adopted to approve appropriation adjustments within Juvenile Court Fund #101-1240. Vote: Unanimous		
16-1441	A resolution was adopted to approve appropriation adjustments within the Water Revenue Fund No. 510. Vote: Unanimous		
16-1442	A resolution was adopted to authorize payment of bills. Vote: Unanimous		
16-1443	A resolution was adopted to approve modifications to the text amendments for the Highland Development Partners PUD requesting to allow secondary dwelling units on 7 of the 43 lots within the Development in Union Township. Vote: Unanimous		

MINUTES SEPTEMBER 8, 2016 PAGE 3

16-1444

A resolution was adopted to approve a modification of the site plan review application of Lecil G. Townsend/Dollar General proposing to locate on the south side of State Route 122 between Bechtel Drive and Shaker Road in Franklin Township, Warren County, Ohio subject to certain conditions. Vote: Unanimous

#### **DISCUSSIONS**

On motion, upon unanimous call of the roll, the Board accepted and approved the consent agenda.

#### **PUBLIC HEARING**

CONTINUATION TO CONSIDER TEXT AMENDMENTS TO THE HIGHLAND DEVELOPMENT PARTNERS PUD TO CONSIDER THE REQUEST TO ALLOW SECONDARY DWELLING UNITS ON 7 OF THE 43 PROPOSED LOTS IN UNION TOWNSHIP

This Board met this 8<sup>th</sup> day of September 2016, in the Commissioners' Meeting Room, to reconvene the public hearing to consider text amendment to the Highland Development Partners PUD to consider allowing secondary dwelling units on 7 of the 43 proposed lots in Union Township.

Michael Yetter, Zoning Supervisor, stated that the previous public hearing was continued in order for the Assistant Prosecutor to provide amendments to conditions to reflect the Board's concerns relative to the renting or leasing of the properties.

Mr. Yetter then stated that the applicant has reviewed and approved the proposed conditions and has requested the Board to approve the proposed text amendments.

Upon further discussion, the Board resolved (Resolution #16-1443) to approve text amendments to the Highland Development Partners PUD to allowing secondary dwelling units on 7 of the 43 proposed lots in Union Township subject to certain conditions.

#### ADMINISTRATIVE HEARING

CONTINUATION OF THE SITE PLAN REVIEW APPLICATION OF LECIL G. TOWNSEND/DOLLAR GENERAL (CASE #102-2016 SP) IN FRANKLIN TOWNSHIP

This Board met the 16<sup>th</sup> day of August 2016, and again this 8<sup>th</sup> day of September 2016, in the Commissioners' Meeting Room to consider the site plan review application submitted by Lecil G. Townsend/Dollar General proposing to locate on the south side of State Route 122 between Bechtel Drive and Shaker Road in Franklin Township, Warren County, Ohio.

Commissioner Grossmann opened the meeting by requesting the Clerk to state when the property was posted with signage and where to get additional information as well as when written notices were sent to the applicant and all owners of property within 500 feet of the parcel lines of the site subject to this hearing.

Tina Osborne, Clerk of Commissioners, stated that the property was posted on July 8, 2016, and notices were mailed via regular US Mail to the applicant and adjacent property owners on July 21, 2016.

Commissioner Grossmann then administered the oath to all those desiring to give testimony at today's hearing.

Michael Yetter, Zoning Supervisor, presented the attached PowerPoint presentation showing the applicant, property location and size, Future Land Use Map, current zoning, existing land use and the site plan requested. He then reviewed the proposed building size, landscaping and fencing.

Mr. Yetter then stated that the Regional Planning Commission staff and Zoning Staff have recommended approval with nine recommended conditions.

There was discussion relative to the recommendation to replace the proposed building design with one that is harmonious in character with the surrounding area with regard to scale, mass and orientation.

Mr. Yetter stated his opinion that they meet the requirements needed for approval of the site plan if they comply with the nine recommended conditions. He then stated his concern relative to condition #1 – the look of the building. He then reviewed various Dollar General building pictures he found on the internet as well as photographs from surrounding area stores.

He then presented the recommended conditions of approval to the Board.

Bob Gage, GBT Realty representing Dollar General, stated his agreement to the conditions of approval including the façade of the building being brick on three sides.

MINUTES SEPTEMBER 8, 2016 PAGE 5

Commissioner South stated her appreciation to his agreement to the change. She then stated that the original proposed building is not attractive.

Commissioner Grossmann stated his opinion that the building with full brick on three sides with raised, stucco top that included a change in elevation on each end is what should be constructed.

Mr. Gage stated he is in agreement to construct the building façade that the Board desires.

There being no others present to give testimony in support of this site plan review application, Commissioner Grossmann opened the hearing to those opposed.

Vincy Baskey, owner of Hunter IGA Express and area property owner, stated his concern relative to the access road his business is required to utilize due to traffic concerns. He stated his concern with safety and the number of accidents at Robinson Vail Road. He then stated the concern with this property being permitted direct access off of SR 122.

The Board explained to Mr. Baskey that the access would be a decision for Ohio Department of Transportation (ODOT) as this Board does not have jurisdiction to address that concern.

Commissioner South suggested to Mr. Baskey that he contact the County Engineer to request his assistance in working with ODOT regarding that matter.

Bruce McGary, Assistant Prosecutor, reviewed the criteria that the Board is charged with determining relative to the site plan review process.

Jennifer Gillespi, Beatrice Drive resident, stated her concern with property values due to the location of this development, her concern with the increase in traffic and the type of clientele that shops at these types of stores.

Crystal Horton, Wilson Farms Drive resident, stated she is not in favor of the development and feels the developer needs to "step up" and make this store look appealing to the neighborhood and also be required to maintain the landscaping and not just install it for compliance.

James Smith, Wilson Farms Subdivision resident, questioned why they could not just testify that they didn't want a Dollar General store in their neighborhood.

Commissioner Grossmann explained the law relative to the site plan review process and that this property is properly zoned for the use they desire to develop.

Mr. Smith then stated his concern relative to light pollution, noise, sidewalks and traffic.

Catherine Lindon, Gateway Lane resident, stated her desire for the residents to have a say in what the development will look like.

Mr. Gage testified that studies have shown that ten cars per hour is what is typical of these stores. He stated that they are designed to capture the traffic already on the right. He stated that all

MINUTES SEPTEMBER 8, 2016 PAGE 6

lighting for the development will be pointed down as they are not permitted to illuminate anything outside of the property. He stated his agreement to construct the building façade that the Board desires and that the development will have an irrigation system installed to maintain the landscaping.

Mr. Gage stated that all employees are locally hired and are a part of the community.

At Commissioner Grossmann's request, Mr. Gage reviewed all documents submitted for the Board to rely upon in making their decision.

Commissioner Grossmann then asked the applicant the following questions:

- (i) did this Board deny you the opportunity to present your position, arguments and contentions; Mr. Gage answered no.
- (ii) did this Board deny you the right to offer and examine witnesses and present evidence in support into the record; Mr. Gage answered no.
- (iii) did this Board deny you the right to cross-examine witnesses in opposition; Mr. Gage answered no.
- (iv) did this Board deny you the opportunity to offer evidence to refute evidence or testimony offered in opposition; Mr. Gage answered no.
- (v) did this Board refuse or fail to compel any witnesses' appearance or evidence at your request; Mr. Gage answered no.

Upon further discussion, on motion, the public hearing was closed.

Commissioner South stated that this is an allowable use under the current zoning. She then reviewed modifications to the proposed conditions.

Upon further discussion, the Board resolved (Resolution #16-1444) to approve the site plan review application of Lecil G. Townsend/Dollar General proposing to locate on the south side of State Route 122 between Bechtel Drive and Shaker Road in Franklin Township, Warren County, Ohio subject to the following conditions:

- (1) Replace the proposed building design with one that is harmonious in character with the surrounding area with regard to scale, mass, and orientation: full brick on three sides with a raised stucco top that includes a change in elevation on each end, as referenced in the picture attached hereto and made a part hereof.;
- (2) Signage shall comply with Warren County Rural Zoning Code Article 3, Chapter 6;

- (3) All exterior lighting shall meet the requirements of Warren County Rural Zoning Code Article 3, Chapter 5;
- (4) The existing line of trees inside the eastern boundary shall remain as part of the required buffer screening, and landscaping shall be equipped with an irrigation system;
- (5) The S.R. 122 driveway intersection design, location, and construction shall be to the permitting satisfaction of ODOT.
- (6) The shared driveway access easement for the abutting property to the west shall be provided as shown on the plan;
- (7) Storm water management shall be to the satisfaction of the Warren County Engineer's Office;
- (8) A walkway shall be installed along the site frontage as required per Article 3 Section 3.303(B).
- (9) Creation of the lot for the site shall be submitted and processed in accordance with the Warren County Subdivision Regulations prior to commencing development construction activities on the site.

Upon motion the meeting was adjourned.	
David G. Young, President	Tom Grossmann
	Lat South
	Pat Arnold South

I hereby certify that the foregoing is a true and correct copy of the minutes of the meeting of the Board of County Commissioners held on September 8, 2016, in compliance with Section 121.22 O.R.C.

Tina Osborne, Clerk

**Board of County Commissioners** 

Warren County, Ohio

Case No.	102-2016 SP		
Applicant/Owner Agent	Lecil G. Townsend Dollar General		
Township	Franklin		
Property Location	Address	State Route 122 (no address)	
Troperty Education	PIN	08-21-300-064-0	
Property Size	1.2811 acres 242 feet of road frontage		
Future Land Use Map (FLUM) Designation	Commercial		
Current Zoning District	"B2" Community Commercial Businesses Zone		
Existing Land Use	Residential/Agricultural		
Site Plan Requested	Development of 1.25 acres for construction of a Dollar General Store		
Issue for consideration	Compliance with Sections 1.303 (Site Plan Review) and 2.303 Commercial & Industrial Zoning Standards		

**Aerial Map** 

101-2016

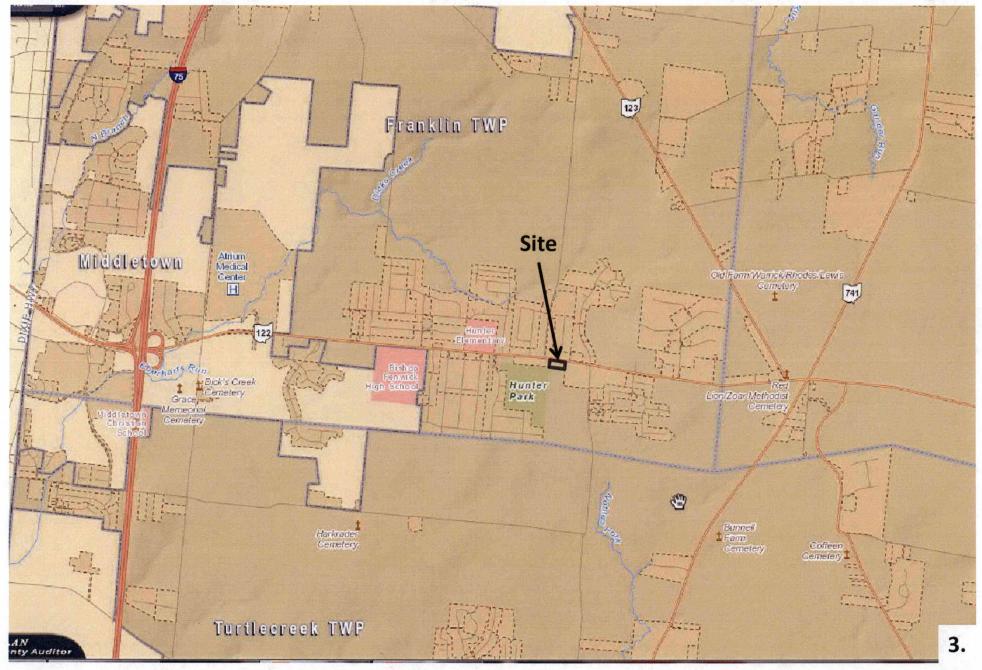
Franklin Twsp.



**Vicinity Map** 

101-2016

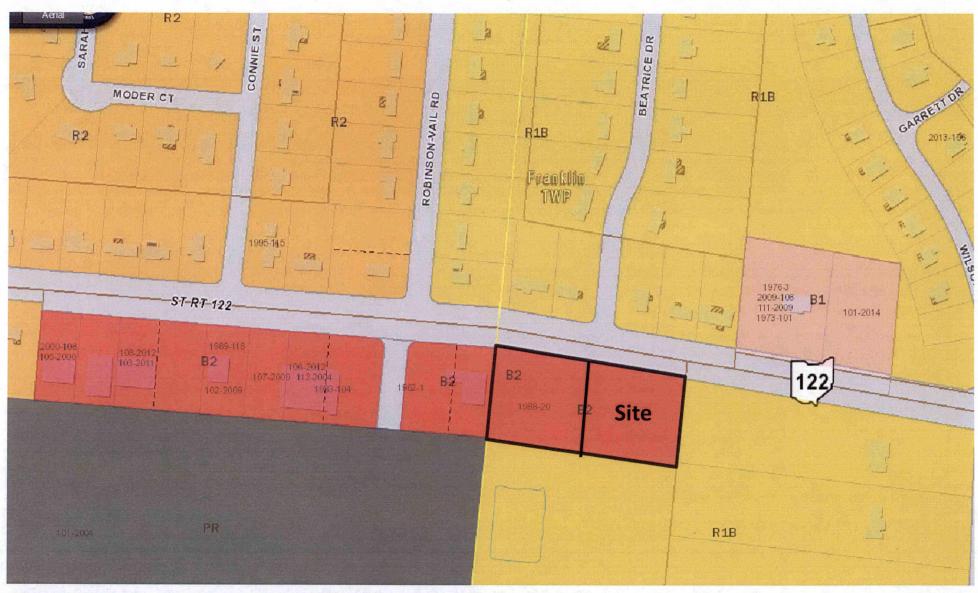
Franklin Twsp.

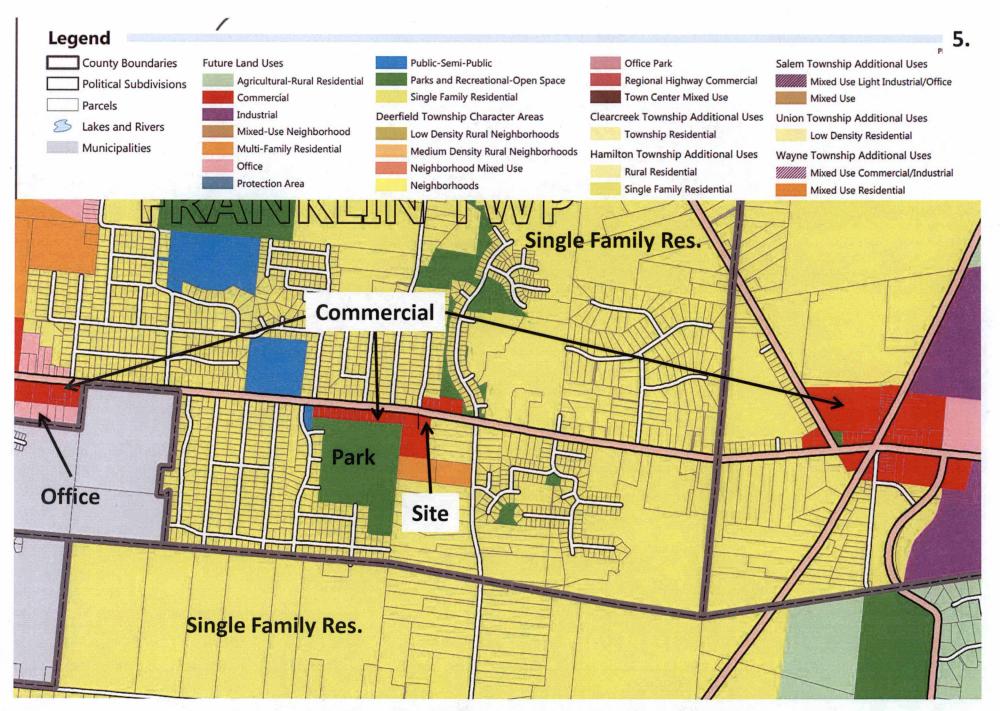


## **Zoning Map**

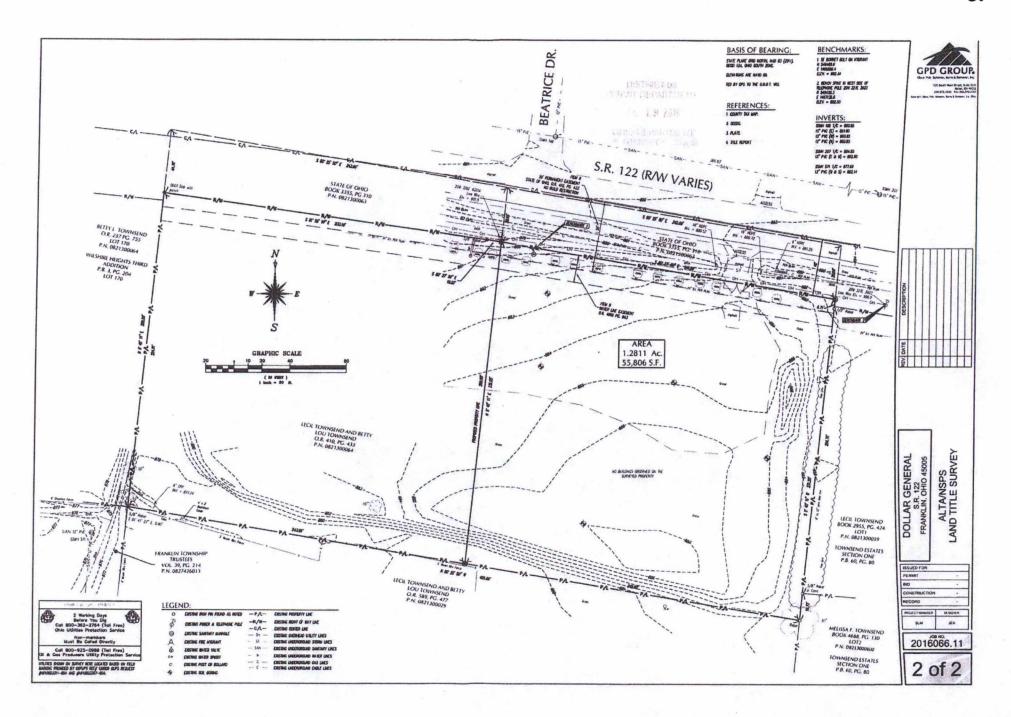
## 101-2016

Franklin Twsp.

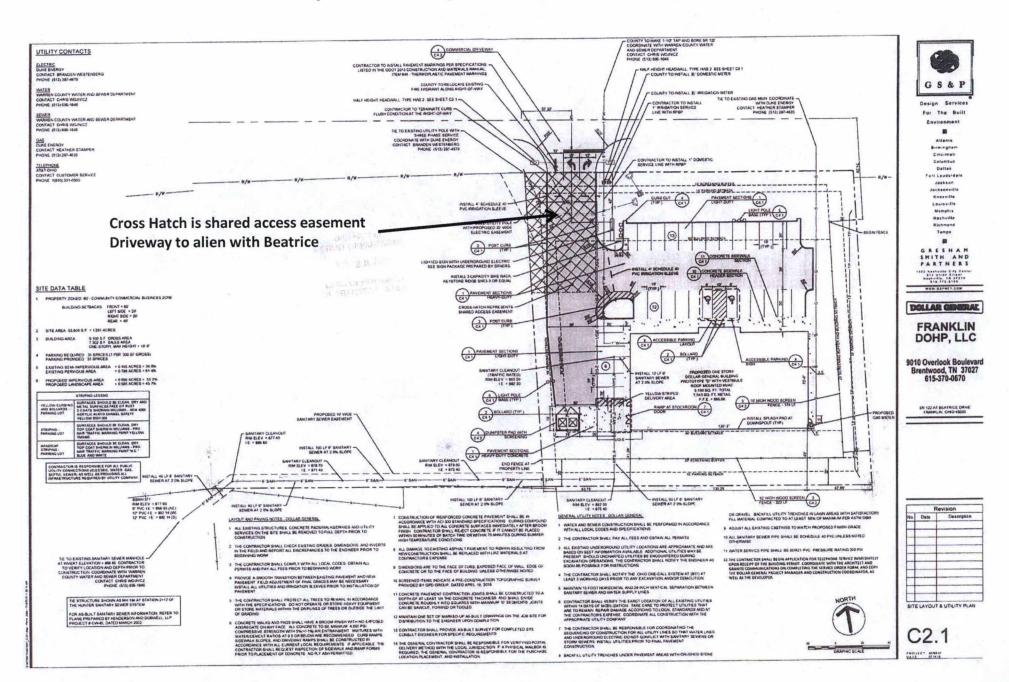




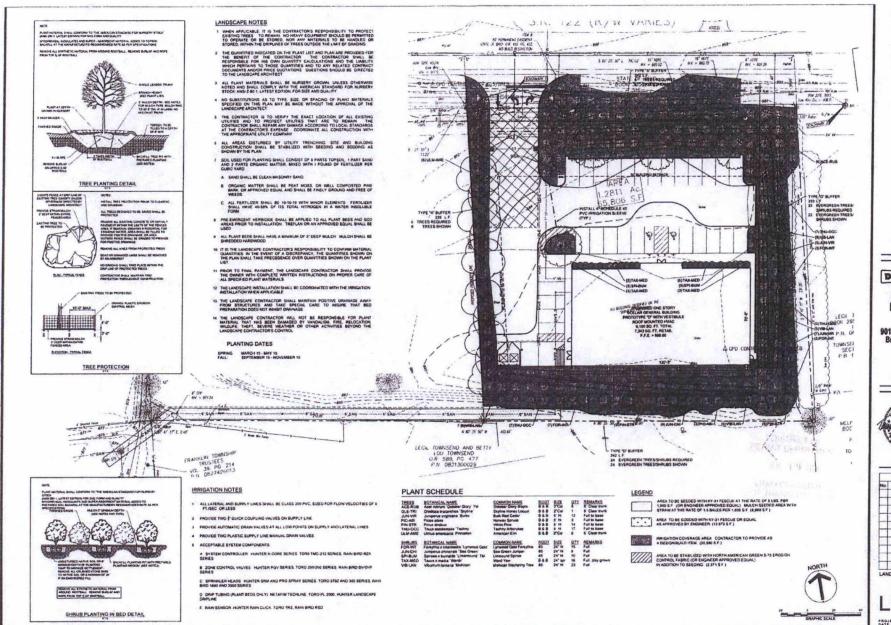
Comprehensive Plan-Land Use Element



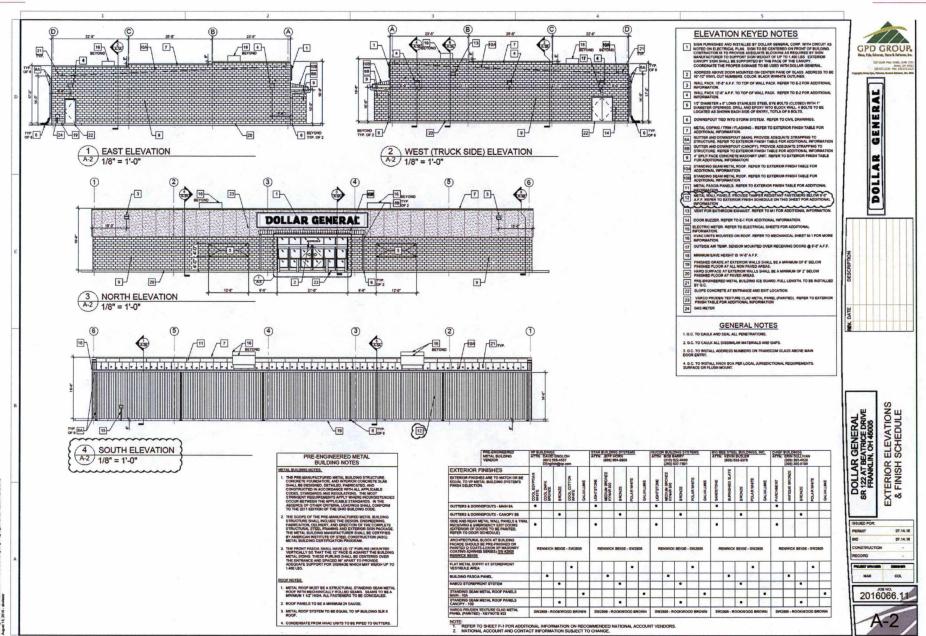
### 9,100 sq. ft. building with 7,343 sq. ft. of retail area



# Landscaping variance granted by the BZA 20' Buffer Type D in lieu of 50' including a 10' solid fence (Cs.# 2016-103)







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# **SUMMARY OF APPLICATION:**

The applicant plans to develop the property consisting of 1.2811 acres with a 9,000 sq. ft. retail building for a Dollar General Store.

# ANALYSIS OF ZONING:

North	"R1B",	Single-Family Residential (1-acre density)
West	"B2"	Community Commercial Businesses Zone
South	"R1B",	Single-Family Residential (1-acre density)
East	"R1B"	Single-Family Residential (1-acre density)  11.

## **REVIEWING DEPARTMENTS:**

Site Plans were circulated to the Warren County Engineer, Warren County Soil & Water Conservation, Warren County Regional Planning Commission, Franklin Township Trustees and Fire Department, Warren County Combined Health District, Warren County Water & Sewer, and Warren County Sheriff

# ZONING INSPECTORS REVIEW OF W. C. CODE STANDARDS:

- 1. Compliance with the Warren County Rural Zoning Code Standards for Site Plan Review Section 1.303 and Commercial Business and Service Uses Section 3.206.
- 2. We are here to discuss a Site Plan Review for a "Retail Small Scale Development" located in a "B2" zoning district.

# Review Process Per the W.C. Rural Zoning Code

1. Reviewed By RPC Staff with 9 recommendations

2. Revisions by applicant 8-12-16

The following are Gresham, Smith and Partners' responses to your comments from a letter from Robert Ware to you dated August 1, 2016, regarding the project named above.

1. Comment:

Replace the proposed building design with one that is harmonious in character with the surrounding area with regard to scale, mass, and orientation;

Response:

The building will have masonry on three (3) sides with metal panels on the rear. The rear yard is screened with a 10' high fence and plant material. Revised building elevations are attached.

2. Comment:

Revise the signage to be compliant with Zoning Code Article 3, Chapter 6;

Response:

Signage has been revised to meet the ordinance, detail attached.

3. Comment:

All exterior lighting inclusive of sign illumination shall meet the requirements of Zoning Code Article 3, Chapter 5;

Response:

Lighting Plan attached.

4. Comment:

The existing line of trees inside the eastern boundary shall remain as part of the required buffer screen;

Response:

Existing trees along eastern boundary will remain.

5. Comment:

The S.R. 122 driveway intersection design, location, and construction shall be to the permitting satisfaction of ODOT.

Response:

ODOT approved permit is attached.

6. Comment:

The shared driveway access easement for the abutting property to the west shall be provided as shown on the plan;

Response:

The shared driveway easement will remain and be dedicated when the subdivision plat is recorded.

7. Comment:

Stormwater management shall be to the satisfaction of the Warren County Engineer's Office;

Response:

Warren County Engineer has approved stormwater management plan.

8. Comment:

A walkway shall be installed along the site frontage as required per Article 3 Section 3.303(B).

Response:

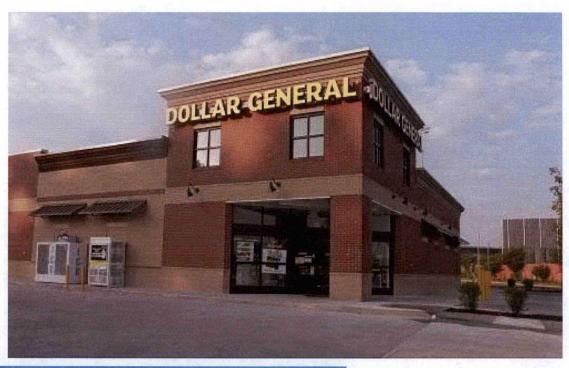
A 5' sidewalk has been added to the plans.

9. Comment:

Creation of the lot for the site shall be submitted and processed in accordance with the Warren County Subdivision Regulations prior to commencing development construction activities on the site.

Response:

Subdivision plat has been reviewed by County staff, we need zoning certificate before plat can get recorded.













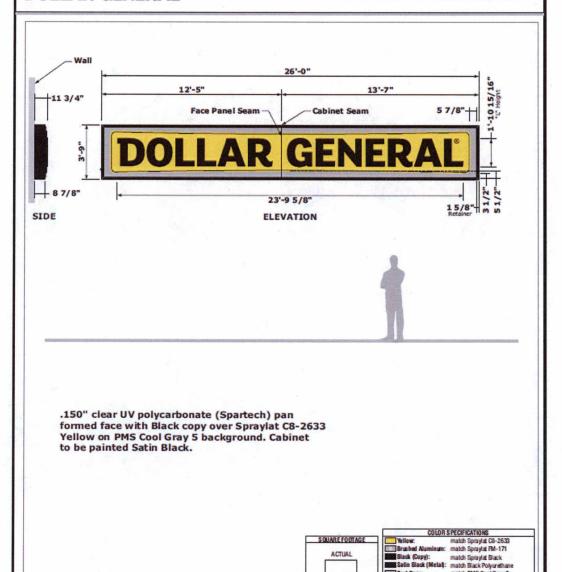




Franklin, Ohio Location

### **DOLLAR GENERAL**

#### 3'-9" x 26'-0" WALL CABINET



DOLLAR GENERAL

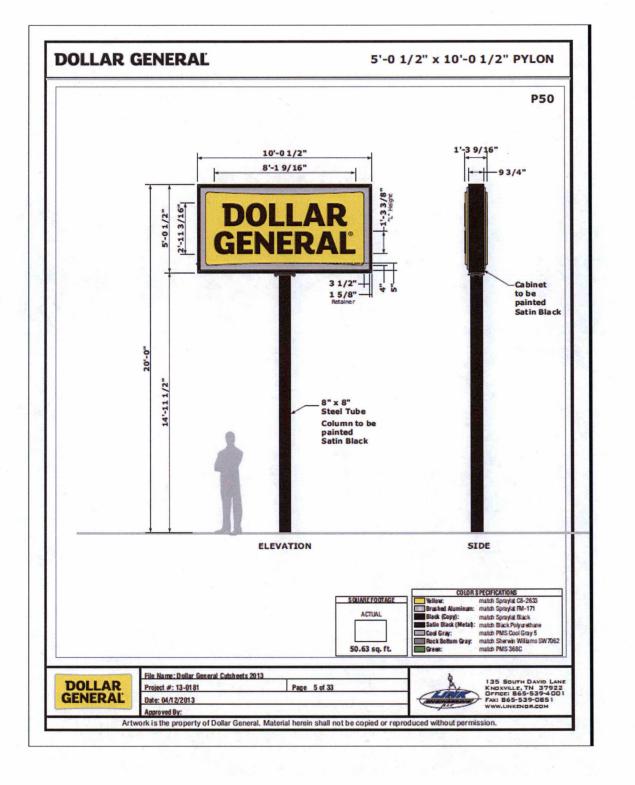
Cool Gray: match PMS Cool Gray: match PMS 368C match PMS 368C File Name: Dollar General Cutsheets 2013 Project #: 13-0181 Page 11 of 33 Date: 04/12/2013 Approved By:



135 SOUTH DAVID LANE KNDXVILLE, TN 37922 OFFICE: 865-539-4001 FAX: 865-539-0851

Artwork is the property of Dollar General. Material herein shall not be copied or reproduced without permission.

97.50 sq. ft.



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Township	Franklin		
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	PIN	08-21-300-064-0	
Property Size	1.25 acres	242 feet of road frontage	
Future Land Use Map (FLUM) Designation	Commercial		
Current Zoning District	"B2" Community Commercial Businesses Zone		
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