

Minutes

Bethel Township Zoning Commission

March 23, 2017 – 7:30 pm.

Regular Meeting

Township Meeting Room, 8735 S. Second Street – Brandt, Tipp City, Ohio

Zoning Commission Member(s) Present: Furderer, Berbach, Serra, Reese

Member(s) not present: Turner, Underwood

Staff Present: Caskey – Township Planning and Zoning

Ms. Furderer called the meeting to order at 7:30 pm.

ZC and staff introduced themselves.

New Business

Case: ZA-02-17: A request from Apex Engineering and Surveying, Inc., 1068 N. University Blvd., Middletown, OH 45042, agent for R&A Corporation/Takhar Oil, to rezone two parcels located at 9140 St. Rt. 202 (Parcel #A01-086200 – .66 acres) and 4423 E. US 40 (Parcel #A01-086205 – .534 acres) for the purpose of joining the parcels and erecting a gas station. Parcel #A01-086205 is presently zoned B-1 and Parcel #A01-086200 is presently zoned B-3. Both parcels to be zoned I-1 and then joined. Approval to be contingent on joining the parcels and receiving a variance on lot size smaller than required for I-1.

Mr. Caskey presented the staff report.

Mr. Caskey asked if there were any questions for him.

No questions since the applicant was available.

The owners were represented by Mr. Matt Geddis of Apex Engineering. Mr. Geddis presented the plans in hard copy and with a verbal overview.

Ms. Reese: If a turn lane has to be put in to control traffic, who pays for that?

Mr. Geddis: It would either be ODOT or the applicant depending on location.

Ms. Reese: Has a traffic study been done?

Mr. Geddis: Not yet. Should be completed within two weeks.

Ms. Furderer: Didn't they put the "cart before the horse" here by purchasing the lots and then coming to the Township?

Mr. Geddis: The sale had to be completed quickly and based on how projects have gone in other parts of the county, they did not foresee any problems.

Ms. Reese: What will be sold at the store part and how many pumps are planned?

Mr. Geddis: The store will sell the standard convenience items, as well as beer and wine. No hard liquor. There will be eight pumps.

Mr. Serra: Traffic looks like it would be a huge concern. Would any road widening come out of the applicant's property and not neighbors'?

Mr. Geddis: Yes.

Ms. Furderer: What about tanker trucks? How would they get in and out? What hours do they operate?

Mr. Geddis: Tankers would be able to get in and out. Hours of operation for the station would be 5:30 a.m. until 9:30 p.m.

Ms. Furderer: Any comments from those for the request?

Mr. Don Caldwell: He doesn't live there but thinks anything is better than what is there now and would increase property values.

Ms. Furderer: Any comments from those against the request?

Ms. Elizabeth Wenrick sent in a letter opposed to the gas station due to traffic.

Ms. Janice Royce: With the large right of way and the traffic problems, how will that be dealt with?

Mr. James Snegly: Has concerns about traffic, lighting, privacy (lots of people in and out by his house), and fuel smells.

Ms. Tracy and Mr. Jason Haier: They were there for their mother, who is unable to come. She is concerned about water and fuel runoff polluting wells, traffic, screening, noise and lights. They stated they pay for sewer and water to keep Huber Heights and this type of development out of Bethel Township.

Mr. Len Thomlen: His issue was traffic.

Ms. Lisa Rolline: There should be a requirement to have the ODOT study completed before a decision. This proposed use is dangerous and disturbing.

Michelle Quinn: What will be sold? How were people notified? Runoff, traffic and air quality were primary concerns.

Mr. Caskey responded that notifications are determined by the Ohio Revised Code and Bethel Township exceeds these parameters.

Mr. Joe Sumpter: He was there to support his neighbors. He doesn't feel this use is right for the comprehensive land use plan put in place. He said any gas station should be on a larger parcel.

Public comment against the project closed.

Mr. Geddis asked to respond. Ms. Furderer allowed that.

Mr. Geddis: There are no plans to have the station open for 24 hours. Not cost effective with the amount of traffic flow. They are following all processes at the state, county and township level to ensure all concerns about screening, runoff, traffic, lighting, etc., are addressed. The clientele of the station will be locals for the most part and it shouldn't draw the "wrong crowd." The traffic

study will determine a lot of the requirements and they will follow all recommendations. Runoff has never been a problem with any of their projects and they don't see that here either. It is not possible for gas to runoff due to safety equipment. They believe the project will improve the looks of the intersection, improve visibility, and not cause light pollution.

Public discussion is closed.

Ms. Furderer: Do we have any further discussion on this case?

None.

Motion:

Mr. Serra moved to approve the rezoning with the condition that the variance for size is approved by the Board of Zoning Appeals, stating that it should come to a vote.

Mr. Berbach seconds the motion after explaining his views on the project and wanting it to come to a vote.

VOTE:

Ms. Reese – No
 Ms. Furderer – No
 Mr. Berbach – No
 Mr. Serra – No

Case ZA-02-17 fails 4-0.

Approval of January 2017 Minutes

There was not a quorum of members who attended the February meeting to vote on the minutes.

Motion: Mr. Berbach moved to table the approval of the minutes for February 2017 until the April 2017 meeting.

Mr. Serra seconds the motion.

VOTE:

Ms. Reese – Yes
 Ms. Furderer – Yes
 Mr. Berbach – Yes
 Mr. Serra – Yes

Motion approved 4-0

Staff Comments:

Mr. Caskey provided members with a Frequently Asked Questions sheet on the Ohio Open Meetings Act (Sunshine Law) from the Ohio Attorney General's office.

Zoning Commission Comments:

None.

Adjournment:

Motion by Mr. Berbach.

Seconded by Ms. Reese.

VOTE:

Ms. Reese – Yes

Ms. Funderer – Yes

Mr. Berbach – Yes

Mr. Serra – Yes

Motion approved 4-0

Meeting Adjourned 9:35 p.m.

Addendum: Mr. Don Caldwell stopped into the office the following day and stated that there were at least three operating gas stations in Phoneton over the years, including one with a general store where Trustee Jerry Hirt worked. Therefore, this new project is not inconsistent with past businesses.