

MINUTES OF SPECIAL TRUSTEE MEETING HELD JANUARY 29, 2025

THE BOARD OF TRUSTEES OF TATE TOWNSHIP MET IN SPECIAL SESSION WITH THE FOLLOWING MEMBERS PRESENT: TRUSTEE STEIMLE, TRUSTEE DURBIN, AND FISCAL OFFICER KATHY BRANNOCK.

THE MEETING WAS OPENED WITH THE PLEDGE TO ALLEGIANCE.

MS. STEIMLE ASKED ANYONE THAT WISHED TO SPEAK TO SIGN IN. SHE INTRODUCED HERSELF AND MR. DURBIN.

MS. STEIMLE EXPLAINED THAT THE PURPOSE OF THIS MEETING IS TO HOLD A PUBLIC MEETING REGARDING A ZONING CHANGE REQUEST BY AXEL ENTERPRISES TO CHANGE THE ZONING OF A PARCEL FROM ZONE A TO C-3. THE MEETING WAS CALLED TO ORDER AT 7:03PM.

ALSO, IN ATTENDANCE WERE SHELBY BAIRD, JULIA CARNEY AND GEORGE PATTISON, AXEL ENTERPRISES'S ATTORNEY.

MS. STEIMLE STATED THAT THIS IS CASE 1794SB. IT IS A REQUEST TO REZONE 11.523 ACRES FROM A TO C-3. MS. STEIMLE THEN READ ALL THE NOTICES THAT WERE POSTED REGARDING THE CASE. THE PACKET THAT THE TRUSTEES WILL CONSIDER CONTAINS, H-1, LEGAL NOTICE AND PROOF OF PUBLICATION, H-2, T-1-T-8.

MS. STEIMLE ASKED THAT ANYONE THAT INTENDS TO SPEAK TO STAND AND BE SWORN IN.

SHELBY BAIRD, THE ZONING INSPECTOR, GAVE AN OVERVIEW OF THE APPLICATION. THE CURRENT USE OF THE LAND IS VACANT LAND. IT IS ADJACENT TO OTHER VACANT AND RESIDENTIAL PROPERTIES AND IN PROXIMITY TO OTHER COMMERCIAL PROPERTIES. BASED ON DISCUSSION, IT SEEMS MOST LIKELY THAT COMMERCIAL DEVELOPMENT SHOULD OCCUR ON STATE ROUTE 125. THERE IS NO OTHER ACCESS TO THE PROPERTY OTHER THAN STATE ROUTE 125. THE PROPOSED DEVELOPMENT SEEMS COMPATABLE WITH FUTURE DEVELOPMENT WITHIN THE TOWNSHIP, THEREFORE, THE PROPOSED DEVELOPMENT WOULD BE ACCEPTABLE. COUNTY DEPARTMENTS MADE COMMENTS, WHICH WERE RECOGNIZED AND SHARED. THE DEVELOPMENT SHOULD COMPLY WITH ALL AGENCIES.

ODOT HAS NO CONCERNS IF THE DEVELOPMENT IS FOR HEADQUARTERS. IF THERE IS FURTHER DEVELOPMENT THEN A TRAFFIC STUDY WILL BE NEEDED.

CLERMONT COUNTY PLANNING COMMISSION SAID THAT IS UNKNOWN IF IT ALIGNS WITH THE FUTURE LAND USE PLAN; IT COULD BE COMPATIBLE. RECOMMENDED WITH CONDITIONS. ANY FUTURE DEVELOPMENT MUST COMPLY WITH THE AGENCY. IT WAS APPROVED BY THE PLANNING COMMISSION.

THE ZONING COMMISSION HEARING HELD ON DECEMBER 3, 2024 WAS CONTINUED ON DECEMBER 20, 2024. THE APPLICANT IS CURRENTLY UNDER CONTRACT TO PURCHASE THE PROPERTY. HE IS CONCERNED ABOUT FUTURE USE BEING LIMITED.

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IT WAS NOTED THAT THIS PROPERTY IS SURROUNDED BY RESIDENTIAL HOMES, POPLAR CREEK AND STATE ROUTE 125. THERE IS AMPLE BUFFERING AROUND THE RESIDENTIAL PROPERTY. THE 1997 LAND USE PLAN WAS NOT COMPLETED FOR UNKNOWN REASONS. BASED ON THAT PLAN THIS PROPERTY WOULD BE IN THE COMMERCIAL AREA AS AN OFFICE BUILDING. CLEAR SITE DISTANCE MUST BE MAINTAINED. THERE WERE NO COMMENTS FROM THE FIRE DEPARTMENT AT THE TIME OF THE REPORT. ZONING INSPECTOR, SHELBY BAIRD, RECOMMENDED THAT THE ZONING CHANGE BE APPROVED BASED ON THE INFORMATION PROVIDED IN THE APPLICATION. THE ZONING COMMISSION VOTED UNANIMOUSLY TO APPROVE THE CHANGE WITHOUT ANY FORMAL MODIFICATION.

SUPPLEMENTAL DOCUMENT PROVIDED INTO THE RECORD. THE FIRE DEPARTMENT HAS NO OBJECTION BUT THERE NEEDS TO BE A HYDRANT CLOSER TO THE BUILDING ON THE PROPERTY. CLERMONT COUNTY SOIL AND WATER INDICATED THERE SHOULD BE A VEGETATIVE TREE BUFFER ESPECIALLY ALONG THE CREEK FOR FLOOD MANAGEMENT AND SEDIMENT CONTROL.

MR. BAIRD NOTED THAT AMY HUTCHISON-CAMPBELL SUBMITTED A LETTER OF CONCERN FOR THE USE OF THE PROPERTY FOLLOWING THE ZONING COMMISSION MEETING. SHE DOES NOT BELIEVE IT IS THE RIGHT LOCATION; THE LAND COULD BE USED FOR MULTIPLE PURPOSES. THE PROPERTY RIGHTS OF RESIDENTS ARE ENCROACHED ON. IT WAS ADVISED THAT CORRESPONSE COULD BE ACCEPTED INTO THE RECORD BUT IT SHOULD NOT BE READ DURING THE MEETING.

MS. STEIMLE ASKED THE APPLICANT TO PRESENT HIS CASE. THERE WILL BE NO DEBATE WITH THE PUBLIC. GEORGE E. PATTISON, THE APPLICANT'S ATTORNEY, STATED THAT IT IS A CLEAN PROJECT THAT IS WELL BUFFERED. HE IS AT THE MEETING TO PRESENT A WELL DEVELOPED PLAN TO BENEFIT THE COMMUNITY. MR. GIBBS, ON BEHALF OF AXEL ENTERPRISES, PRESENTED HIS PLAN. HE STATED THAT ALL THE CONCERNS HAVE BEEN ADDRESSED. THERE IS A TESTING STATION ON POPLAR CREEK ONLY A MILE AWAY. HE WILL PLANT GRASS IN THE FIELD. ODOT HAS NO CONCERNS. HIS EMPLOYEES TRAVEL THE OPPOSITE DIRECTION OF THE HEAVY TRAFFIC. THERE IS A DENSE TREE LINE. LIGHTS WILL BE DOWNLIGHTED AND SHIELDED. THE COMMUNITY AS A WHOLE WILL BENEFIT. IT WILL STIMULATE THE ECONOMY AND IT WILL INCREASE THE PROPERTY TAX ON THAT PROPERTY.

MS. STEIMLE ASKED MR. GIBBS IF HE ANTICIPATES SEVENTEEN EMPLOYEES AT THAT LOCATION. HE STATED THAT ONLY SEVEN WOULD WORK THERE. THERE WILL BE MULTIPLE BUILDINGS IN THE FUTURE. SHE ASKED HIM FOR HIS VISION. HE RESPONDED THAT MOST OF THE PROPERTY IS UNBUILDABLE, IN THE FLOOD PLANE. THERE WOULD BE A LARGE BUILDING AND ONE STORAGE BUILDING BEHIND IT.

MR. DURBIN ASKED MR. GIBBS WHAT TYPE OF EQUIPMENT WILL BE THERE. THERE WILL BE SKIDSTEERS AND MINI-EXCAVATORS, NO SEMI'S. MS. STEIMLE ASKED WHERE THE EQUIPMENT WILL BE STORED. HE RESPONDED THAT MOST OF THE PROPERTY IS UNBUILDABLE, IN THE FLOOD PLANE. THERE WOULD BE A LARGE BUILDING AND ONE STORAGE BUILDING BEHIND IT. HE RESPONSE WAS OUTSIDE ON THE RIGHT SIDE OF THE BUILDING. HE WOULD PREFER INSIDE IF THERE IS ENOUGH ROOM. HE PLANS TO GO UNDER THE ROAD FOR SEWER. HE'S NOT SURE WHERE THE WATER MAIN IS FOR THE FIRE HYDRANT.

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MR. DURBIN ASKED ABOUT LANDSCAPING, VEGETATION.

MS. STEIMLE ASKED IF HE ANTICIPATES GOING INTO WHOLESALE, SUCH AS A LUMBER YARD. HE STATED THAT HE MAY STORE LUMBER ON SITE OUTSIDE.

MS. STEIMLE ASKED ABOUT STORAGE OF EQUIPMENT. MR. GIBBS STATED THAT THERE ARE 15-20 SMALL TRUCKS IN HIS FLEET. SHE ASKED IF THEY WOULD BE STORED THERE. MR. GIBBS RESPONDED THAT EMPLOYEES MAY DRIVE THEM HOME. CURRENTLY, VEHICLES ARE STORED BEHIND A BUILDING.

MR. GIBBS INDICATED THERE IS NO PLAN TO HAVE A CONSTRUCTION SITE. A C-3 WOULD PERMIT THAT.

MS. STEIMLE ASKED IF HE WOULD CONSIDER A PLANNED UNIT DEVELOPMENT. HE EXPRESSED CONCERNS ABOUT THE TIME LIMITATIONS. SHE ASKED HIM WHAT HIS TIMELINE IS. HE RESPONDED 1-2 YEARS. HE IS NOT FAMILIAR WITH A PLANNED UNIT DEVELOPMENT.

### PUBLIC PARTICIPATION

ADJOINING PROPERTY OWNERS SPOKE.

JEREMY POWERS IS CONCERNED THAT A C-3 COULD ALLOW OUTSIDE STORAGE. THE TOWNSHIP SHOULD BE CAREFUL. THIS WOULD BE THE LARGEST C-3 IN THE TOWNSHIP.

ELIZABETH POWERS WANTS PEACE AND QUIET. SHE LIVES DIRECTLY BEHIND THIS PROPERTY. HER VIEW WILL BE OF STORAGE. THE PROPERTY VALUES WILL DROP. THE ISSUE IS ABOUT THE APPROPRIATE USE OF THIS LAND SURROUNDED BY HOMES.

KATHY NEWMAN IS CONCERNED ABOUT LOWER PROPERTY VALUES. SHE STATED THAT THIS SENDS A MESSAGE TO ANYONE THAT WANTS TO BUILD. POPLAR CREEK IS NOT A BUFFER, IT ACTUALLY INCREASES THE SOUND. ONCE THE PROPERTY IS ZONED AS A C-3, ANYTHING COULD BE PUT IN. SHE DOESN'T SEE ANYTHING OF VALUE TO THE COMMUNITY IN THE APPLICATION. SHE DOESN'T THINK THE ZONING COMMISSION CONSIDERED THE EFFECT ON THE HOMEOWNERS. THE TRUSTEES SHOULD PROTECT THE RESIDENTS.

CRIS FOGWELL WANTS THE TOWNSHIP TO STAY RURAL. HE IS CONCERNED ABOUT THE NOISE, LIGHT, AND SOUND. HE IS ALSO CONCERNED ABOUT THE WILDLIFE.

JENNIFER SHINKLE BELIEVES COMMERCIAL ZONING NEEDS TO HAPPEN. HOWEVER, THERE IS NO CURRENT LAND USE PLAN RECORDED WITH CLERMONT COUNTY. THIS WOULD BE SPOT ZONING ON STATE ROUTE 125 TO BENEFIT A SINGLE PROPERTY OWNER. THE APPLICANT HAS NO FINANCIAL INTEREST IN THE PROPERTY. THERE ARE BETTER LOCATIONS AT INTERSECTIONS.

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A C-3 HIGH INTENSITY COMMERCIAL USE IS IRRESPONSIBLE. NO RESTRICTIONS ON THE PROPERTY COULD LEAD TO OTHER BUSINESSES. A ZONING CHANGE COULD CAUSE A DECLINE IN PROPERTY VALUES AND ALSO BE A SAFETY ISSUE. THERE NEEDS TO BE A LAND USE PLAN FIRST.

TIM SHINKLE BELIEVES THAT A C-3 IS EXTREME. THIS PROPERTY IS SURROUNDED BY RESIDENTIAL LAND AND A CEMETERY. BACK DECKS WILL FACE THE BUSINESS. A BUFFER WILL BE INSUFFICIENT. HE STATED THAT THE BOARD FAILED TO REQUIRE A BUFFER. THE APPLICATION FOR C-3 WILL ALLOW ANY COMMERCIAL USE. HE IS CONCERNED ABOUT THE APPROVAL PROCESS. IT DID NOT CONSIDER PROPERTY VALUES. AT THE CONTINUED HEARING THE RESIDENTS WERE NOT ALLOWED TO SPEAK. THE 1997 LAND USE PLAN WAS FOUND BUT IT WAS NEVER FILED WITH THE COUNTY. HE STATED THAT IS WAS A STUDY AND NOT A PLAN THAT WAS APPROVED BY THE TRUSTEES.

SANDY HOWISON STATED THAT THE PARCEL IS COMPLETELY SURROUNDED BY RESIDENTIAL PROPERTY. SHE STATED THAT DOWNLIGHTING DOES NOT HELP WITH NIGHT SKY. THE NEIGHBORS' VIEW WOULD BE OF STORAGE CONTAINERS AND LUMBER. SHE STATED THAT "HE GETS TO GO HOME AT NIGHT AND WE HAVE TO LIVE WITH IT." SHE ASKED THE TRUSTEES TO PROTECT THEIR PROPERTY.

JOHN HOWISON STATED THAT THEY WERE THE FIRST TO BUILD. AT THAT TIME THERE WERE SEVERAL HUNDRED FEET OF BUFFER. HE COULD SEE 10 RESIDENCES THAT WOULD BE DIRECTLY IMPACTED. THEIR VIEW WILL NOT BE THE FRONT OF THE BUSINESS. THEY WILL SEE THE DUMPSTERS, ETC. THE SITE WILL CAUSE ADDITIONAL PROBLEMS SUCH AS TRAFFIC. RUNOFF WILL FLOW INTO HARSHA LAKE. TRUCKS AND EQUIPMENT EVENTUALLY LEAK OIL.

ANDREW STOBER STATED THAT HE LIVES NEAR THE DRIVE IN THEATER. THERE IS NO NOISE BUFFER. HE IS AFFECTED EVERY DAY. A C-3 ALLOWS THE PROPERTY OWNER OR ANYONE HE MAY SELL THE PROPERTY TO DO ANYTHING WITH IT. THE LUMBER COULD POSSIBLY BRING IN PESTS. IT WOULD BE IRRESPONSIBLE TO GO FORWARD WITHOUT A LAND USE PLAN.

MS. STEIMLE ASKED MR. GIBBS TO RESPOND. HE STATED THAT HE HAD ANSWERED ALL THE QUESTIONS EARLIER. C-3 WOULD ONLY BE FOR STORAGE. MS. STEIMLE ASKED ABOUT THE TIMELINE TO START BUILDING IF APPROVED. CONSTRUCTION WOULD BEGIN IN THE SUMMER WITH A YEAR LONG CONSTRUCTION. IT IS NOT CONTINGENT ON THE SALE OF HIS CURRENT PROPERTY.

MS. STEIMLE CLOSED THE PUBLIC PART OF THE HEARING.

THE BOARD DEBATED. MR. DURBIN SAID THEY SHOULD TAKE ALL THE INFORMATION THAT THEY RECEIVED AND STUDY IT. MS. STEIMLE THANKED EVERYONE FOR COMING OUT. SHE AGREED THAT THERE IS A LOT OF INFORMATION TO CONSIDER. MOTION BY MS. STEIMLE TO

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CONTINUE THE HEARING ON FEBRUARY 11. 2<sup>ND</sup> BY MR. DURBIN. ROLL CALL: MS. STEIMLE, YES, MR. DURBIN, YES.

THEREAFTER, CERTAIN RESIDENTS WHO HAD SIGNED IN TO SPEAK BUT WAIVED THEIR TIME INITIALLY, ASKED TO BE HEARD REGARDING CONCERNS REGARDING PESTS BEING BROUGHT INTO THE TOWNSHIP THROUGH WOOD.

MR. PATTISON OBJECTED TO INDIVIDUALS MAKING COMMENTS REGARDING PESTS SUCH AS ASIAN LONGHORN BEETLES. MS. STEIMLE ACKNOWLEDGED THE OBJECTIONS, ASKED FOR THE BASIS, BUT OVERRULED TO ALLOW LIMITED TESTIMONY.

MOTION BY MS. STEIMLE TO REOPEN THE MEETING FOR 7 MINUTES ONLY TO RECEIVE COMMENT REGARDING PESTS OF CONCERN ONLY. 2<sup>ND</sup> BY MR. DURBIN. ROLL CALL: MS. STEIMLE, YES, MR. DURBIN, YES.

THERE WAS A CONCERN THAT LUMBER COULD POTENTIALLY BRING IN OUTSIDE PEST JUST LIKE THE ASIAN LONGHORN BEETLE WAS BROUGHT IN. MR. GIBBS RESPONDED THAT THERE ARE REGULATIONS TO ADDRESS THESE CONCERNS AND TRANSPORTATION OF WOOD IS HEAVILY REGULATED. THE BEETLE DOES NOT LIVE IN TREATED WOOD. HE MUST COMPLY WITH THE ASIAN LONGHORN BEETLE RULES. THERE IS STILL A CONCERN THAT THE PALLETS ARE RAW LUMBER.

MOTION BY MS. STEIMLE TO CLOSE TESTIMONY AND CONTINUE THE HEARING ON FEBRUARY 11, 2025. 2<sup>ND</sup> BY MR. DURBIN. ROLL CALL: MS. STEIMLE, YES, MR. DURBIN, YES.

MOTION TO ADJOURN THE SPECIAL MEETING BY MR. DURBIN, 2<sup>ND</sup> BY MS. STEIMLE.